

**WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE COMMITTEE  
of the  
Suffolk County Legislature  
Minutes**

A regular meeting of the Ways & Means, Real Estate Transactions & Finance Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, 11787, on **August 12, 2003**.

**Members Present:**

Legislator George Guldi - Chairman  
Legislator Andrew Crecca - Vice-Chair  
Legislator David Bishop  
Legislator Michael Caracciolo  
Legislator Ginny Fields  
Legislator Vivian Fisher

**Also In Attendance:**

Pete O'Leary - Legislator-Elect/District #3  
Tom Donovan - Aide to Legislator Guldi  
Linda Burkhardt - Aide to Presiding Officer Postal  
Frank Tassone - Aide to Legislator Crecca  
Mike Barone - Intern/County Legislature  
Bill Faulk - Intergovernmental Relations/County Executive's Office  
Lance Reinheimer - Budget Review Office  
Ken Knappe - County Executive's Budget Office  
Christine Costigan - Director/Division of Real Estate/Planning Dept  
Martin Haley - Suffolk County Treasurer's Office  
John Kennedy - Suffolk County Clerk's Office  
Artie Cliff - President/Superior Officer's Association  
Jerry Gilmore - 2nd Vice-President/Superior Officer's Association  
Ray O'Rourke - Department of Labor  
Dan Bourren - Department of Labor  
Pete Cheney - Title Examiner  
John Ferrante - Title Examiner  
Luis Montes - Consul General El Salvador  
Julio Hernandez - Salvadoran American Alliance, Inc.  
David Renderos - Salvadorean American Association of Long Island  
Santiago Reyes - Salvadorean Chamber of Commerce  
All Other Interested Parties

**Minutes Taken By:**

Lucia Braaten - Court Stenographer

**Minutes Transcribed By:**

Alison Mahoney - Court Stenographer

(\*The meeting was called to order at 9:40 a.m.\*)

CHAIRMAN GULDI:

We'll call meeting to order with a salute to the flag led by Legislator Foley.

### Salutation

We have cards; did they come forward and fill out cards? We have cards; magic, let there be cards. Santiago Reyes is first. Santiago Reyes from Brentwood. Mr. Reyes; no? Luis Montes.

LEG. BISHOP:

I think you have the wrong cards.

CHAIRMAN GULDI:

Yeah, where did these cards come from? Julio Hernandez? I'm calling gentlemen who signed up to speak. Mr. Santiago Reyes. Yeah, come forward.

MR. HERNANDEZ:

They are on there way.

CHAIRMAN GULDI:

You need to use the microphone.

LEG. BISHOP:

They're on their way, they're not here.

MR. HERNANDEZ:

Good morning, sir. Good morning, Legislator. Mr. Santiago Reyes and the Counsel General from El Salvador, they're going to be here in probably five minutes.

CHAIRMAN GULDI:

All right. Why don't you flag me when they get here and we'll go to the cards at that point. Your name, sir, for the record?

MR. HERNANDEZ:

Julio Hernandez, sir. I'm on the list, too.

CHAIRMAN GULDI:

Okay. Do you want to speak now or do you want to wait until they arrive?

MR. REYES:

I would prefer to wait for them, if that's not a problem, sir.

CHAIRMAN GULDI:

Okay, fine, that's not a problem.

MR. HERNANDEZ:

Thank you very much.

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CHAIRMAN GULDI:

Does anyone from the administration want to address the committee?  
Mister -- what is it?

LEG. FIELDS:

Former.

CHAIRMAN GULDI:

Former? No, no, it's not former, he's still alive. It's Deputy  
Assistant or Chief Deputy Assistant Treasurer?

LEG. FIELDS:

How about just Marty.

CHAIRMAN GULDI:

Hey, Marty, get up here, we want to pick on you. Welcome back to the  
Legislature. What's the matter, you can't keep yourself away from the  
place?

CHIEF DEPUTY ASST TREASURER HALEY:

I've been in Hauppauge three times since I started.

LEG. FIELDS:

You're here more than you were when you were a Legislator.

CHAIRMAN GULDI:

I noticed one extraordinary thing is that you were on time this  
morning; I don't remember you ever doing that before.

LEG. HALEY:

I'm trying as much as possible not to give you anything, George,  
Legislator Guldi, Mr. Chairman.

CHAIRMAN GULDI:

Oh, okay, Mr. Chairman. Well, that -- I know what that looks like.

LEG. FIELDS:

Where's the real Marty?

CHAIRMAN GULDI:

What's -- the resolution you're here to speak on, sir, is resolution number?

CHIEF DEPUTY ASST TREASURER HALEY:

Mr. Chairman, I was asked to come down, I would imagine you're assuming that I'm here to speak on 1727 --

CHAIRMAN GULDI:

1727.

LEG. HALEY:

-- on your page seven.

CHAIRMAN GULDI:

Yes, thank you.

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CHIEF DEPUTY ASST TREASURER HALEY:

Everything seems to be in numerical order.

CHAIRMAN GULDI:

For a change. I understand that you're not in favor of this resolution, though you voted to lay it on the table with a late starter in your former capacity.

CHIEF DEPUTY ASST TREASURER HALEY:

Yes, I did.

CHAIRMAN GULDI:

Could you explain both?

CHIEF DEPUTY ASST TREASURER HALEY:

Yes, I did, Mr. Chairman, and that was due out of the respect to you and other Legislators who chose to lay things on the table. And as you know, that was perfunctory business that we all give each other that opportunity to do so.

CHAIRMAN GULDI:

And the basis for the opposition to the bill?

LEG. CARACCILOLO:

He wants to keep his job.

CHIEF DEPUTY ASST TREASURER HALEY:

I talked to you yesterday and you asked me to come down. I have not had the opportunity to talk to my boss. One of the problems I have is

that for many years I could easily speak for myself, but now I'm in the position as number two to speak for the Treasurer's Office and I prefer to have conversations with him before I make any representations.

CHAIRMAN GULDI:

It sounds like you've had a conversation with him on this subject, haven't you?

CHIEF DEPUTY ASST TREASURER HALEY:

I happened to be in Hauppauge but I heard some screaming and yelling coming all the way from Riverhead yesterday morning, so I would imagine it related to this particular issue at hand.

LEG. CARACCILO:

Well said, Marty.

CHIEF DEPUTY ASST TREASURER HALEY:

I haven't had the opportunity to talk to the Treasurer, but I would assume that he would be in opposition to such a Local Law.

CHAIRMAN GULDI:

Counsel, could you give us a synopsis of the bill since I can't seem to locate my copy in this wonderful binder.

LEG. CRECCA:

I'm sorry, Mr. Haley, I was out of the room.

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MR. SABATINO:

Well, the essence of the bill would be to provide for a public referendum in the year 2004 because it's too late for 2003 which would result in the abolition of the County Department of Taxation and Finance which is also known as the Treasurer's Office. That would become a division of the County Executive's Office and the Office of County Comptroller which is known as the Department of Audit and Control would become the department -- will become the County Auditor, rather, it would just be a question of changing the title. So the net effect would be to have -- still have a County Department of Audit and Control but it would be called the County Auditor with all the auditor functions and the Treasurer's functions would become part of the County Executive's Management Office.

CHAIRMAN GULDI:

Any questions? Any questions for Mr. Haley?

LEG. VILORIA-FISHER:

You just can't stay away.

CHAIRMAN GULDI:

He tried.

CHIEF DEPUTY ASST TREASURER HALEY:

I love abuse. Mr. Chairman, I think it's safe to say that the County Treasurer would be in opposition to 1727.

CHAIRMAN GULDI:

Okay. There being no further questions, I guess we'll take it up when we get to it on the agenda.

CHIEF DEPUTY ASST TREASURER HALEY:

Thank you, sir.

CHAIRMAN GULDI:

Thanks for coming back, Marty; it's always good to see you.

CHIEF DEPUTY ASST TREASURER HALEY:

It was my pleasure.

CHAIRMAN GULDI:

All right, we have another presentation from the Clerk -- Legislator Crecca, you have a question for --

LEG. CRECCA:

No, I was just going to say, I asked somebody from the Clerk's Office to be here to discuss one of the resolutions, but apparently --

CHAIRMAN GULDI:

And here they are.

LEG. CRECCA:

Mr. Kennedy is here for that purpose, I think. To discuss that resolution.

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MR. KENNEDY:

Good morning, Mr. Chairman, members of the committee. How are you?

CHAIRMAN GULDI:

Fine.

LEG. FIELDS:

I don't think that's on.

MR. KENNEDY:

No? How is that, any better?

CHAIRMAN GULDI:

Oh, yeah.

MR. KENNEDY:

Good, there we go. As you know, my name is John Kennedy, I'm from the County Clerk's Office and I'm here today to go ahead and speak on 1722 and to express the Clerk's support for this resolution.

This resolution would go ahead and extend some enhanced access for independent abstracters; those are people that are in the business of searching our records for the purposes of facilitating different things within the real estate industry. As the committee members may or may not be aware of, our office has sustained a tremendous volume, but most recently that volume has increased even more expendentially. As interest rates have dropped, the volume of requests have gone up and, therefore, there's a need to try and provide some enhanced access for people who are in the business of searching title records.

So the Clerk is in support of this resolution and we would ask the committee to go ahead and vote in favor of it. I'd be happy to answer any questions.

LEG. CRECCA:

While Mr. Kennedy is here, can I ask the Counsel to just give us a very brief synopsis -- I know it's my bill but he could probably do it better than I can -- for the committee's purposes of what the bill actually does, or Mr. Kennedy, either one.

MR. KENNEDY:

I'll defer to esteemed Counsel.

MR. SABATINO:

Is this the one that changes the hours?

MR. KENNEDY:

Yes, in essence.

MR. SABATINO:

Yeah, okay. Basically what this bill will do is this is the one that will expand the hours that Title Examiners will have access to the County Clerk's Office from to seven o'clock in the morning to seven o'clock at night and it will be subject to the existing terms and conditions of a 1997 policy that was established, the essence of which

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is that the list of interested parties has to first be exhausted which it has been done, and then it will go to a public lottery system.

MR. KENNEDY:

Also, they must go ahead and comply with the same types of requirements where applicable that the existing cubicle licenses have; in other words, they must be people who have been in the business, they have got to demonstrate that they've got a history, a knowledge. They've got to go ahead and sign an agreement that indicates who they are and the fact that they've got some legitimate purpose to be in there outside of the normal 9 to 5 business hours. And what, in essence, it does is it gives them identification, which allows them to get the enhanced access.

LEG. VILORIA-FISHER:

Legislator Crecca, is this -- is my mike on? Is this in response to --

LEG. CRECCA:

I'm sorry, go ahead.

LEG. VILORIA-FISHER:

Did you file this in response to a number of speakers who had come to Riverhead who said that they weren't getting access then because of heightened security and their inability --

LEG. CRECCA:

Yeah, we had complaints that we obviously received at the General Meetings, my office had been contacted by at least one title examiner. So what I did was I sat down with the Clerk's staff and I said to them, you know, how can we resolve this problem and still do what you want to do? And this was the resolution that we came up with and I think it's pretty, you know --

LEG. VILORIA-FISHER:

Okay, yes, I recall the speakers --

LEG. CRECCA:

It's a pretty simple solution.

LEG. VILORIA-FISHER:

-- had come to Riverhead, when we were out in Riverhead they came to speak with us.

MR. KENNEDY:

The Clerk's perspective has always been to provide as free an access or environment as possible in order to go ahead and meet the mission, while at the same time being cognizant of the security issues that have evolved. As you know, at the last meeting I guess when you were out there in Riverhead, there is a new security component associated with access into the building. So it's an effort to try and marry those two initiatives or issues, if you will, in a positive fashion.



LEG. VILORIA-FISHER:

Well, and I remember that these particular people felt that the

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heightened security was actually discriminating against the people who didn't have the cubicles and were unable to pursue their own business.

MR. KENNEDY:

Again, the little bit that I know of it, there's a variety of different entities, how they operate in the business. Some folks have, you know, larger arrangements, some people are independents, some people do title searching for the purposes of making mortgages, others do it for single and separates, a variety of different things that go on. So yes, this is an effort to try and go ahead and make access for all of the folks that are involved in the industry --

LEG. VILORIA-FISHER:

Good. Thank you.

MR. KENNEDY:

-- and facilitate that. Okay. If there's no other questions, thank you very much, we appreciate the support.

LEG. CRECCA:

Thanks for coming down.

CHAIRMAN GULDI:

Okay. Legislator Foley would like to speak to the committee on --

LEG. FOLEY:

1651.

CHAIRMAN GULDI:

1651.

LEG. FOLEY:

Thank you, Mr. Chairman. I have an eleven o'clock appointment at my district office, so I think --

CHAIRMAN GULDI:

You'll be able to finish your remarks by then?

LEG. FOLEY:

Right, and still make it back to the office in time. I thank you for giving me the opportunity to speak this morning on Resolution 1651 which is to authorize the use of Smith Point County Park property by the Mastic Beach Ambulance Company for a fund-raising effort. The

record should reflect that the Smith Point County Park is within my Legislative District. That being the case, if and when there are proposed uses for it, the appropriate Legislator is the one in whom the activity is being proposed.

Mr. Chairman, this is the seventh year that the Mastic Beach Ambulance Company has utilized this park for a fund-raising event. It's similar to the one that was held Memorial Day weekend by the Mastic Beach Fire Department where they'll have one or two volunteers standing politely at the toll booths and to ask for donations from those patrons who attend the park. As many of us know, if you do a little homework on the subject, over 100 calls or responses are made each year by the ambulance company to Smiths Point, so this is a small way that we can

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say thank you to that particular ambulance company for providing service to County residents and Long Island residents who do attend that park, whether over the summertime or throughout the year.

So it's for two days over the Labor Day Weekend. And again, they've done this in the past and they have utilized -- they've used the money for a variety of community benefits. So I'd ask at the appropriate time during the committee meeting to support the bill, 1651.

LEG. VILORIA-FISHER:  
Didn't we pass this already?

LEG. FOLEY:  
The question is whether we passed it already. We had passed it earlier in the year for the Mastic Beach Fire Department. This is for a sister or brother volunteer company -- in this case, the ambulance company -- from the same area that has Smith point as part of its ambulance district, if you will.

LEG. CRECCA:  
They won't be doing it at the same time as the fire department.

LEG. FOLEY:  
The fire department was Memorial D,ay this is Labor Day.

LEG. CRECCA:  
Okay. You want -- should we take it out of order?

CHAIRMAN GULDI:  
No, let's just do it in order.

LEG. FOLEY:  
Okay. So thank -- it there's any questions? None? Okay, thank you

very much, Mr. Chairman.

CHAIRMAN GULDI:

Confusing enough without it. Gentlemen, are you ready?

UNKNOWN AUDIENCE MEMBER:

Yes, sir.

CHAIRMAN GULDI:

I have four cards for Luis Montes, Consul General of El Salvador; Santiago Reyes who's the Salvadorian Chamber of Commerce; Julio Hernandez, Salvadoran American Alliance, Inc; and David Renderos. Why don't you come up and join us at the table all at once and -- because I presume you're all here on the same resolution and I'd like you to work out among yourselves who's going to address us in which order.

LEG. VILORIA-FISHER:

What's the number of the resolution?

CHAIRMAN GULDI:

1653.

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LEG. VILORIA-FISHER:

What category is that?

CHAIRMAN GULDI:

Give me a minute.

LEG. CRECCA:

Page eight at the top.

LEG. VILORIA-FISHER:

In other?

CHAIRMAN GULDI:

It's in other, Designating Central American Day in Suffolk County, Legislator Postal.

CHAIRMAN GULDI:

You need to use the microphones, slide the switches on and let the stenographer know what your name is to start.

MR. MONTES:

Thank you. Good morning. Thanks for letting me here. My name is Luis Montes, I'm the Consulate of El Salvador Long Island. On behalf of the El Salvador government and the El Salvador community and Long

Island, I present to you all of respect and fraternity. I'm here to support Resolution 1653. Let me give you some data of the community.

The El Salvadorian community in Long Island has a population of 250,000 people; 50,000 of them are already US Citizens and they are ready to vote. We're spending on Long Island over \$3 billion per year. Our community and all Long Island pay more than \$300 million in taxes per year. Our community thinks that there is not yet reciprocal (inaudible). This resolution is going to be if you approve it, of course, a recognition to our people. We only want to celebrate our independence day and that means for us the freedom that democracies and ensure that we share it with you this day. Thank you very much for letting me be here.

CHAIRMAN GULDI:

Thank you very much for coming down and your remarks -- you want to entertain questions or would you like -- the other gentlemen like to speak first? Whoever is next, then we'll save questions until the end. Thank you for coming down, sir.

MR. REYES:

Good morning. My name is Santiago Reyes, I'm the President from El Salvador Chamber of Commerce in Suffolk County. I'm here to support the resolution. We put together like ten different organizations for celebrate our independence day on September 14. Our community is working hard in this area and we need for that day, go out the street and celebrate our independence day. I want to tell you now, approve the resolution. I live in this area for 24 years ago, and I didn't see our community never celebrate our independence day. Thank you.

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CHAIRMAN GULDI:

Thank you, sir. The next speaker? It's 16 -- the resolution is 1653, Designating Central American Day in Suffolk County, it's on page eight of the agenda.

MR. HERNANDEZ:

Good morning, committee members, Legislators. My name is Julio Hernandez and I'm the President of the Salvadoran American Alliance. It's an organization incorporated in the State of New York under the Not-for-Profit Corporation Law. We work for the Salvadorean community, community needs like education, housing, civic responsibility, finances, cultural heritage, among many other. I'm here to support Resolution 1653 introduced by the Presiding Officer, Maxine Postal, to designate September 15 of every year as Central American Day within Suffolk County.

The Salvadoran American Alliance is currently working with the

Salvadoran Consulate in Brentwood to improve the quality of life in the communities where Salvadorean people live and come to the greatness of the United States of America. The approval of this resolution will definitely recognize the hard working Central American communities that live and contribute to the economy of Suffolk County, but mostly the Salvadorean people who will be forever grateful to this Legislature.

I also need to recognize my friends, Santiago Reyes, for having the initiative to request the Suffolk County Legislature of the passing of this resolution. I want to thank the Legislature and these committee members for your time and help approving this resolution. Thank you very much.

MR. RENDEROS:

Good morning, Legislators. My name is David Renderos and I am here as a representative of the Association of Salvadoreans in Long Island, ASAALI. As an organization, we fully support the designation of September 15th as Central American Day in Suffolk County. This designation will give back this 30 year old Central American community a small retribution for what they have contributed to Suffolk County as the engine of the economy. Resolution 1653 is important for what it will provide an institutional sense or acceptance into Suffolk history calling this community for the first in history records by its name. ASAALI thanks each one of the supporters of this resolution and hopes we can work on many other initiatives to raise the quality of life for the entire community of Suffolk County. Thank you.

CHAIRMAN GULDI:

Legislator Fields has a question?

LEG. FIELDS:

It's more of a comment that I wanted to thank you all for coming down. And I would like to be a cosponsor on this bill, and also make a motion to maybe take this out of order so that these gentlemen can at least see that we have --

LEG. VILORIA-FISHER:

I second that motion.

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CHAIRMAN GULDI:

Okay. We have a motion to take this out of order and second. On the motion, Legislator Bishop.

LEG. BISHOP:

I just want to hear, did you say that there's a Consulate office here on Long Island?

MR. MONTES:

Yeah.

LEG. BISHOP:

Where is it?

LEG. VILORIA-FISHER:

It's on Suffolk Avenue, isn't it?

CHAIRMAN GULDI:

1090 Suffolk Avenue.

MR. MONTES:

Suffolk Avenue in Brentwood.

LEG. BISHOP:

Very good.

MR. MONTES:

We are the only one country --

LEG. BISHOP:

Right.

MR. MONTES:

-- that we have a diplomat office here in Suffolk County, I guess it's very important.

LEG. BISHOP:

And that's why we have such good relations, because --

MR. HERNANDEZ:

Yes.

LEG. FIELDS:

And I'll make a motion to approve.

LEG. CRECCA:

I have one quick question.

LEG. VILORIA-FISHER:

I'll second the motion.

CHAIRMAN GULDI:

Well, we haven't voted --

LEG. VILORIA-FISHER:

Oh, we haven't voted on the motion to take it out of order yet.

CHAIRMAN GULDI:

-- on the taking out of order yet and Legislator Crecca wanted to be recognized.

LEG. CRECCA:

This may seem like a silly question but maybe you could educate me; why are we calling it Central America Day instead of El Salvador Day; is there a reason for that?

MR. HERNANDEZ:

Yes. It's very important for us, it happens that the independence was gained for Central America, all countries as it were on the same day. It would have been not so good for us just to request for Salvadorian when everybody shares the same date.

LEG. CRECCA:

Thank you.

MR. MONTES:

We're independent of the Spanish {Crow} in 1821.

LEG. VILORIA-FISHER:

And notice that it was long before us that the slavery was abolished there, in 1821 that was also the abolition of slavery in Central America.

MR. MONTES:

Thank you very much.

LEG. CRECCA:

Thank you.

CHAIRMAN GULDI:

No other questions? On the motion to take it out of order, all those in favor? Opposed? It's now before us.

1653-03 - Designating Central America Day in Suffolk County (Presiding Officer Postal). Motion to approve by Legislator Fields, seconded by Legislator Viloria-Fisher. On the motion, I'd like to be added as a cosponsor myself. I'd like to state that the recognition of the day of Central American independence is an insignificant and inadequate way to recognize the importance of the Salvadorian and other Central American community members to our community, but it is something that we can do can, can and should do now or should have done perhaps long ago. But I'm fully supportive of this and further efforts to recognize the participation and inclusiveness in our community.

LEG. VILORIA-FISHER:  
Mr. Chairman.

CHAIRMAN GULDI:  
Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:  
And I'm very pleased that you're here to represent the importance of the Latino community here in Suffolk County. The responsibility that

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the Latino community is taking as its charge as citizens and participating members of the people here of Suffolk County, (Spoke a sentence in Spanish).

MR. MONTES:  
Thank you.

LEG. VILORIA-FISHER:  
And I said welcome to our Legislative session and thank you very much.

MR. MONTES:  
Thank you.

MR. REYES:  
Thank you.

MR. HERNANDEZ:  
We gentlemen, we are also celebrating our day on September 14 with a parade in Brentwood which will be we hope approved today also by the Town of Islip. You all are invited to our festivities. It will be a great pleasure for us Salvadoran people to count with your presence there. So now you're invited, you will receive a letter from the Salvadoran American Alliance, that's the organizer of this. Thank you very much for all your help. Thank you.

CHAIRMAN GULDI:  
On the motion to approve, all those in favor? Opposed?  
Approved unanimously.

LEG. VILORIA-FISHER:  
Cosponsor as well.

CHAIRMAN GULDI:  
Should we place it on the Consent Calendar?

LEG. BISHOP:  
No.



LEG. VILORIA-FISHER:

No, so that people can recognize it.

CHAIRMAN GULDI:

Fine, okay. Approved (VOTE: 6-0-0-0). Thank you, gentlemen.

MR. HERNANDEZ:

Thank you very much.

#### Tabled Resolutions

CHAIRMAN GULDI:

All right. Okay, there's no further cards or presentations, we can now begin the agenda. All right, let's begin with Tabled Resolutions.

1224-03 - Enforcing reverts clause for 72-h real estate transfers (Postal). At the Presiding Officer's request, motion to table by myself.

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LEG. VILORIA-FISHER:

Second.

CHAIRMAN GULDI:

Seconded by Legislator Viloria-Fisher. Discussion? All those in favor? Opposed? 1224 is tabled. (VOTE: 6-0-0-0).

1226-03 - Adopting Local Law No. 2003, a Charter Law to reform Early Retirement Incentive Program process to ensure real cost savings (Fields).

LEG. FIELDS:

Motion to table.

CHAIRMAN GULDI:

Motion to table by Legislator Fields, second by myself. Discussion? All those in favor? Opposed? Tabled (VOTE: 6-0-0-0).

1231-03 - To implement Space Management Reform (Fields). Motion to table by Legislator Fields, second by myself. All those in favor? Opposed? Tabled (VOTE: 6-0-0-0).

1422-03 - Adopting Local Law No. 2003, a Charter Law to reform Charter Revision Commission for good government purposes (Viloria-Fisher). Wasn't that on the floor?

LEG. VILORIA-FISHER:

I thought we passed this out of committee.

CHAIRMAN GULDI:

I thought this was on the floor.

LEG. VILORIA-FISHER:

Yes, it was on the floor.

CHAIRMAN GULDI:

Counsel?

LEG. VILORIA-FISHER:

It was on the floor and it was tabled.

MR. SABATINO:

I'll just double check. No, it was tabled on July 29th in this committee for one more cycle, according to my records.

LEG. VILORIA-FISHER:

I thought it was on the floor in the subsequent --

MR. SABATINO:

No, the public hearing. The public hearing was recessed at one point on June 10th, you're probably thinking of that vote, there was a vote to recess the hearing on June 10th. And then the hearing was closed subsequent to that.

LEG. VILORIA-FISHER:

Okay. I'm going to make a motion to approve.

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LEG. CRECCA:

On the motion?

CHAIRMAN GULDI:

Legislator Crecca.

LEG. CRECCA:

Just on -- I know we looked -- I guess it was a while ago that we looked at it, if I could just get some highlights.

LEG. VILORIA-FISHER:

Paul, can you?

MR. SABATINO:

Yes, this -- the reason this is a Charter Law is because it's building on preexisting provisions in the County Charter which deal with the -- every ten years we have a Charter Revision Commission which just looks

at the Charter in general. This particular bill is making amendments to that to require a couple of things.

One, it's going to change the selection process for picking the members. The current breakout is there's five picked by the Presiding Officer, there's five picked by the County executive and then there's five jointly picked by the Presiding Officer and the County Executive. This will challenge that to have the third category of five to be picked by the County Legislature instead of jointly by the Presiding Officer and the County Executive.

The second major change is that there's going to be a requirement that at least one member be someone from the League of Women Voters, someone from Common Cause, someone from the Nassau-Suffolk Neighborhood Network, someone from NYPERG and a fifth one would be someone from a nationally recognized public interest organization.

The third substantive change is that the commission separate and apart from its overall review of the County Charter will be required to submit a separate report which basically deals with an evaluation of the County Operating Budget, the Community College Budget, Capital Budget and to make suggestions regarding modifications, streamlining, management reform, items of that nature which would deal with trying to make government more efficient. So those are the three changes -- those are three changes that would be made to existing Charter Revision Commission Law.

LEG. VILORIA-FISHER:  
Mr. Chair?

CHAIRMAN GULDI:  
There's a motion to approve by Legislator Fisher --

LEG. VILORIA-FISHER:  
No, actually I'm withdrawing that motion because there was a change that I had -- that I was going to make and I haven't made that yet.

CHAIRMAN GULDI:  
Motion to table by Legislator Vioria-Fisher --

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LEG. CRECCA:  
That's when I remember it, on the organizations.

CHAIRMAN GULDI:  
Second by myself to table. All those in favor? Opposed?  
Tabled (VOTE: 6-0-0-0).

CHAIRMAN GULDI:

1477-03 - To reform oversight of Suffolk Employee medical Health Plan (EMHP) (Guldi). Motion to table by myself.

LEG. CRECCA:

Second.

CHAIRMAN GULDI:

Second by Legislator Crecca. Discussion? All those in favor? Opposed? Tabled (VOTE: 6-0-0-0).

1485-03 - Implementing Brownfield Policy for Poulos Property in Eastport, Town of Brookhaven (SCTM Nos. 0200-686.00-04.00-019.000; 0200-668.00-04.00-019.001; 0200-686.00-04.00-019.002; 0200-686.00-04.00-020.000 and 0200-723.00-02.00-029.000) (Caracciolo).

LEG. CARACCIOLO:

Motion to table.

LEG. CRECCA:

Second the motion.

CHAIRMAN GULDI:

Motion to table by Legislator Caracciolo, second by myself. All those in favor? Opposed? Tabled (VOTE: 6-0-0-0).

1486-03 - Adopting Local Law No. 2003, to restrict land transactions with members of the Suffolk County Planning Commission (Fields). Legislator Fields?

LEG. FIELDS:

I'm going to make a motion to approve.

CHAIRMAN GULDI:

Motion to approve by Legislator Fields. Second by?

LEG. CARACCIOLO:

Explanation.

LEG. VILORIA-FISHER:

1486?

CHAIRMAN GULDI:

Explanation on it for Legislator Caracciolo, please, Counsel.

MR. SABATINO:

Okay. This is a Local Law that would ban land transactions between individuals who serve as members of the Suffolk County Planning

Commission and the County of Suffolk for a period of his or her tenure in office, plus the period of five careers thereafter.

CHAIRMAN GULDI:

So if --

LEG. CARACCILOLO:

On the resolution.

CHAIRMAN GULDI:

Just a moment. So the meaning -- let me get the transactional analysis correct. If a member of the Planning Commission owns a piece of property which the County is interested in purchasing, they would be required to resign and then wait five years before the County can get the property otherwise the County would have to forego the opportunity to acquire that property?

MR. SABATINO:

They would be banned from participating in the transaction.

LEG. FIELDS:

Not putting developers on the Planning Commission.

CHAIRMAN GULDI:

You don't have to be a developer to end up acquiring property, sometimes you can acquire it by inheritance or otherwise. I mean, I don't know -- Legislator Caracciolo has asked to be recognized.

LEG. CARACCILOLO:

Right. Question for the sponsor; what precipitated this legislation?

LEG. FIELDS:

There have been a couple of transactions between the County and a couple of the members. One in particular that comes to mind is Ron Parr who sold a piece of property to the County to billed on and then that property was apparently even given to a third person, it ends up being I think a conflict, a major conflict.

LEG. CARACCILOLO:

The other individual, as I recall, is Mr. Eversoll.

LEG. FIELDS:

Right.

LEG. CARACCILOLO:

And the resolution to acquire -- was that Forsythe Meadows or -- that was Forsythe I believe was sponsored by Legislator Vilorio-Fisher, right, who was obviously cognizant and aware that Mr. Eversoll was the

property owner. Did he not apparently have any --

LEG. VILORIA-FISHER:

Actually when I introduced that legislation I was not aware he was on the Planning Commission.

LEG. CARACCILOLO:

Okay. But in any event, at no time did I hear objection during the

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consideration of that acquisition by anyone on the Legislature about Mr. Eversoll being a party to that matter. And while I'm sympathetic clearly to conflicts of interest, I don't know if constitutionally you can -- and you know, the lawyers on the panel speak up; I mean, can you prohibit someone's constitutional right to sell their property?

LEG. BISHOP:

George, can I go on the list?

CHAIRMAN GULDI:

Yeah.

MR. SABATINO:

There's no constitutional right to deal with a municipality regarding land transactions. Quite frankly, in all honesty, individuals -- I mean, the transaction never should have taken place if there was knowledge that you had that kind of a relationship.

LEG. CARACCILOLO:

Counsel, yeah, I mean -- I'm don't want to be -- I'm not being argumentative, I'm just --

CHAIRMAN GULDI:

Sure you are.

LEG. CARACCILOLO:

-- really trying to understand the rationale for someone in that position, why they should be limited, restricted or prohibited from -- I mean, could they not -- well, it's not a question whether they vote on this, we vote it. So where is there the conflict? I mean, if there are appraisals, they have a piece of property that is environmentally sensitive as it was represented that the Forsythe Meadows property was, it goes through all the proper reviews, appraisals, review appraisals, what is the issue? I mean, there's --

LEG. VILORIA-FISHER:

And I did put it on the record when I did find out that he was the Chair of the Planning Board, it was put on the record.

LEG. CRECCA:

Yeah, there was public disclosure; how is that a conflict?

LEG. BISHOP:

Am I on the list, George, are you running the meeting?

CHAIRMAN GULDI:

No, actually I'm not, the meeting is taking a life of its own.

LEG. CARACCILOLO:

Mr. Chairman?

CHAIRMAN GULDI:

Legislator Caracciolo still has the floor.

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LEG. CARACCILOLO:

Well, I'm going to yield to Legislator Bishop, he's chomping at the bit.

LEG. BISHOP:

No, go ahead. I just wanted to know how it was running.

LEG. CARACCILOLO:

I'm just trying to understand the conflict issue.

LEG. BISHOP:

All right, well, maybe I can --

LEG. CARACCILOLO:

How serving on the Planning Commission passing judgement on --

MR. SABATINO:

I tend to take a conservative view of things when I'm advising public officials. But if a public official is working in County government, he's then negotiating a transaction with another public official in the same County government, you're on the same side of the transaction. So, I mean, it's the kind of thing that any cautious attorney would advise his client not to do.

LEG. CARACCILOLO:

Okay. Thank you.

CHAIRMAN GULDI:

Legislator Bishop.

LEG. BISHOP:

Yes, thank you.

CHAIRMAN GULDI:

You have the floor all by yourself.

LEG. BISHOP:

Thank you. The sponsor has taken on this fight for a long time, and what has happened is that the circumstances have changed since she began this effort because we enacted reforms which changed the rules. Under the old rules, as Legislator Caracciolo knows, the Legislature would authorize the purchase of a parcel and that was the end of our roll. So that we -- you know, it was turned over to the administration at that point to appraise and negotiate and this heralded case with Eversoll occurred under those rules. We now have different rules where we would get a second vote and I think that that suggests that maybe this bill is not as necessary as it once was. However, the conflict issue still is there, but I think there are much greater safeguards now and so it's a tougher call.

LEG. CRECCA:

Mr. Chairman.

CHAIRMAN GULDI:

Legislator Crecca.

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LEG. CRECCA:

I don't want to reiterate what Legislator Bishop said, but I think the fact that it comes back to us for a vote, I would hate to see a property like Forsythe Meadows or a property that the County wants to acquire or should acquire for open space or environmental reasons fall by the wayside because somebody on our Planning Commission owns it.

LEG. VILORIA-FISHER:

Sorry.

LEG. CRECCA:

That's okay.

LEG. FIELDS:

We're trying to figure out what to do about this.

LEG. CRECCA:

Okay. But the reality is is that I think the safeguards are in place. I think with the public scrutiny and the new rules, you know, I don't -- I understand Counsel's position, I just don't necessarily agree that there's an outward conflict here, not when it's subject to several appraisals, it's subject to not paying more than fair market



value and it's subject back to Legislative approval with 18 Legislators or 17 Legislators as the case may be on any given day here to having to approve it. So that's the only reason why --

LEG. FIELDS:

I'm going to make a motion to approve and you can let it go down if you like, but I will make a motion to approve.

CHAIRMAN GULDI:

We already have a motion to approve, we don't have a second. The Real Estate Division wants to be heard; then Legislator Viloría-Fisher, will you yield to Real Estate?

LEG. BISHOP:

Is there a second?

CHAIRMAN GULDI:

I just want to hear what the Real Estate Division has to say.

LEG. VILORIA-FISHER:

Sure, go ahead.

DIRECTOR COSTIGAN:

I'd just like to voice the other aspects of this resolution which affect those of us on the other side of this table. I would point out that it applies not just to sales and conveyances but it applies to leasehold interests as well which means we couldn't even lease from anybody who has ever been on the Planning Board in the last five years. It applies to the background of all corporate entities. We don't even know who was in joint ventures, we would have no ability to find that out, those things are beyond our disclosure form.

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And last of all, it gives staff liability. If I buy mistake enter into an interest or a conveyance or take an interest of property from someone in this position, it's a misdemeanor and I think that's an imposition of a draconian penalty when disclosure is really what should address the potential conflict of interest.

CHAIRMAN GULDI:

Legislator Viloría-Fisher, you still want to be heard on this or should we --

LEG. VILORIA-FISHER:

No, we could just vote.

CHAIRMAN GULDI:

All right. Motion --

LEG. VILORIA-FISHER:

Well, wait a minute because there were some remarks made earlier regarding the acquisition of Forsythe Meadow. When I introduced that resolution I had been a Legislator for four weeks, and I was not aware of Mr. Eversoll's membership in the Planning Commission. When I did discover that he was the Chair of the Planning Commission, not only a member, it was disclosed at this horseshoe that he had been a member, or that he was a member. We did find it problematic when we had issues later on regarding the fence that was placed there, that he did seem to have ties and there was sometimes people look the other way with regards to actions that he took. However, with the purchase of the property, there was disclosure, there was a vote at this horseshoe, and it was sensitive land and so we decided to save it regardless of who the owner was.

CHAIRMAN GULDI:

Okay, back to the motion at hand. We have a motion to approve 1486, going once, going twice, fails for lack of a second (VOTE: 6-0-0-0).

1547-03 - Adopting Local Law No. 2003, a Charter Law to change the County Tax Stabilization Reserve Fund Policy (Haley). Counsel?

MR. SABATINO:

1547? Okay, 1547 also would be subject to public referendum which means that it would --

CHAIRMAN GULDI:

2004?

MR. SABATINO:

-- would occur in the subsequent year, it's too late for this year. Nevertheless, the impact is to change the current law. The current law states that 70 -- that 75 -- I'm sorry, at least 25% of the surplus goes into tax stabilization. With a three-quarters vote you can go beyond the -- you can go beyond the 25% under current law. This proposal calls for changing that to make it -- 50% would be the minimum that would go into tax stabilization as opposed to 25%, and then 14 votes could take you above the 50% just as 14 votes can take you above the 25%. That's the essence of the bill.

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CHAIRMAN GULDI:

Legislator Crecca is the remaining sponsor; what's your pleasure?

LEG. CRECCA:

I'll make a motion to approve.

LEG. CARACCILO:  
Second.

CHAIRMAN GULDI:  
Motion to approve by Legislator Crecca, second by Legislator Caracciolo. On the motion, anyone want to be heard? All those in favor? Opposed? Approved, 1547 (VOTE: 6-0-0-0).

1548-03 - To implement surplus personal property policy for Suffolk County (Carpenter). This is maximizing revenue through --

LEG. BISHOP:  
What's the current policy, what's the change?

MR. SABATINO:  
1548?

CHAIRMAN GULDI:  
Right, 1548.

MR. SABATINO:  
Was -- okay, 1548 was a Legislator's response to a disclosure that computers, printers, fax machines, printers, whatever are being -- allegedly are being thrown out instead of being auctioned off, the County Charter currently provides that surplus property is to be disposed of by public auction to the highest bidder. When the Legislator learned of this development, she basically called for an implementation of something she had set up several years ago which apparently never took place, which was there's supposed to be a six month pilot program to have an auctioneer come in and, you know, based on I think it was a 15% contingency fee, move this property and try to generate some revenues for the County. So, although that pilot program was put into the statute, since apparently it wasn't implemented, what she's calling for here in response to this new development which is that appears as equipment is just being tossed out which is generating two problems; one, you're losing the revenue but, number two, it appears that we're replacing equipment more rapidly than we have to which means you're spending more money than you would be. So that's the essence of Legislator Carpenter's initiative.

LEG. CRECCA:  
Second. I'd like to be listed as a cosponsor on this bill.

CHAIRMAN GULDI:  
We have a motion to approve and a second. On the motion, the question I have, counsel, is that the bill by its language seems to apply to all surplus property and mandates that it all be sold at auction to the highest bidder. I don't see anything exemption here that we can permit the continued practice of the Legislator authorizing the

transfer of automobiles that have been declared surplus to other levels of municipality and not-for-profits; since those automobiles would be personal property, it seems to me that they would be covered clearly under the language of this and that that practice would be prohibited in the future; is that or is that not a consequence of this bill?

MR. SABATINO:

No, that's not a consequence --

CHAIRMAN GULDI:

Where is there an exemption in the language?

MR. SABATINO:

-- because -- just hang on, because the fourth RESOLVED clause says that, "This resolution shall apply to all surplus or obsolete computers, computer equipment." The point was that Legislator Carpenter was trying to address the immediate concern which is that those are the items that are being tossed out. Secondly, the provisions you referred to are in the County Charter, this is a resolution.

CHAIRMAN GULDI:

Actually, this -- yeah, and the language in the second RESOLVED clause, or within the second RESOLVED clause in it's subsection it mandates all personal property be sold pursuant to auction.

MR. SABATINO:

That's just a resortation of what's already in the County Charter, those provisions are no different than what's in the County Charter, that was just laying the foundation for what Legislator Carpenter is trying to achieve.

CHAIRMAN GULDI:

Okay. And --

MR. SABATINO:

I was wrong about the 15%, it's 25%, I apologize, on the contingent fee.

LEG. FIELDS:

We have a motion to approve.

MR. KNAPPE:

Mr. Chairman?

LEG. VILORIA-FISHER:

Mr. Knappe is sitting there waiting.

MR. KNAPPE:

Could I just bring up two points on this bill?

CHAIRMAN GULDI:

Sure.

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MR. KNAPPE:

I brought up one point at the last meeting of the Ways & Means & Finance, Legislative Counsel was not here at that meeting. That the initial policy is a Charter Law, however, there is an issue of Legislative equivalency without even speaking on the merits of the bill, there's a problem with Legislative equivalency because this is just simply a resolution changing a Charter Law whereas this should probably be a Local Law, I'd like to bring that up. And the second point is the Information Services Steering Committee which is a four person Steering Committee, two of the County Executive and two of the Legislature. The Presiding Officer's Office and Budget Review are the two members of the Legislature on that committee, they requested that this resolution be tabled. I don't know if that got to you, but from our end it got to us so I just wanted to bring that up.

CHAIRMAN GULDI:

And you don't know the reason for the tabling but they want an opportunity to look at the policy, I presume.

MR. KNAPPE:

I think they want to look at the whole computer portion of the policy County wide and see if this is the best course of action or if there are other areas to take.

CHAIRMAN GULDI:

Well, I'll make a motion to table on that basis alone.

LEG. VILORIA-FISHER:

I'll second that.

CHAIRMAN GULDI:

And Counsel, you, therefore, can review the issue of equivalency of your ledger.

MR. SABATINO:

There's nothing to review. The County Charter currently provides for an auction system. The auction system is not working, property is being thrown out, we're losing revenues and we're losing on the

appropriation side, it's a very serious matter. It's a resolution to try to force -- it's almost a redundancy. It was really Legislator Carpenter just trying to force the Charter to be implemented.

MR. KNAPPE:

Yeah, I just wanted to clarify my comments. I wasn't speaking on the merits of the bill at all, I was just raising the question of changing the Charter or enforcing the Charter by simple resolution, that's the only point I was making.

CHAIRMAN GULDI:

Fred Pollert just walked in the room; that's always a mistake, Fred. One of the -- we're looking at the surplus of personal property law, auction of computer equipment. The Budget Office just informed us that the committee has asked that it be tabled; are you on that committee and can you tell us why the request for tabling is being made?

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MR. POLLERT:

The Budget Review Office sent a letter to the County Comptroller. What has happened is equipment is basically being tossed out based upon the assumption that it doesn't need to be disposed of because it's not inventoried equipment. We had wanted an opinion from the Comptroller's Office indicating that, in fact, it should be disposed of either through auction or to get some sort of revenue for the County. It was the will of the committee as a whole. We really don't have a problem if the Legislature starts to take action on it because the Comptroller's Office has the opportunity to comment prior to Tuesday's meeting.

CHAIRMAN GULDI:

Okay.

LEG. VILORIA-FISHER:

George?

CHAIRMAN GULDI:

Yeah, Legislator -- whoever said George first.

LEG. VILORIA-FISHER:

Okay. Fred, so what you're saying as a member of the Steering Committee is that you don't see a need for us to table this at this point in time?

MR. POLLERT:

No, because the County Comptroller can get back to the Legislature prior to your General Legislative meeting; if there's a problem prior

to then, you could always table it on the floor of the Legislature. But clearly there's a major problem that there's a lot of computer equipment that is being disposed of basically at the will of the department.

LEG. VILORIA-FISHER:

Well, that's what this resolution is responding to.

MR. POLLERT:

So there is a major problem.

LEG. VILORIA-FISHER:

Okay. Thank you, Fred.

CHAIRMAN GULDI:

Legislator Fields.

LEG. FIELDS:

As a cosponsor on this, I had some discussions about it and we -- many people complained that we don't have any money in the County and yet we are taking good equipment and just disposing of it as though it had no value whatsoever, and there is value in many of these pieces of equipment. Fred, for instance, what's being thrown out, are there not decent copy machines, printers, computers that still operate, still work?

MR. POLLERT:

Yes. For instance, if the computer in the County Legislature were turned over, we were directed if there's surplus that you just, you know, turn them into like into either the dumpster or the County actually spends \$20 per computer to have it disposed of. There are clearly value in some of the computers. We've been stockpiling them in the basement, we're going to start piling the monitors in the basement. There -- the County has thousands of computers, many of the computers that we purchased to be Y2K compliant are now being surplussed out. So it's a large number of computers, and it's not just computers, it's the fax machines, it's the copiers, it's just equipment in general. It's not being done in a proper type of fashion.

LEG. FIELDS:

This is a no brainer. I made a motion to approve, or someone did, and --

CHAIRMAN GULDI:

Yeah, there's a motion to approve and a second before us. There was no second on the motion to table, was there?



LEG. BISHOP:

I'll second the motion to table, but I just want to ask a question; I asked to go on the list, I guess you didn't see that.

CHAIRMAN GULDI:

I didn't see you, no; you didn't twitch loud enough.

LEG. BISHOP:

This is a blanket policy not just directed at computers, is that correct, or is it just --

MR. SABATINO:

No, the problem affects everything. The County Charter already exists; if the County Charter was being followed we'd have no problem because the County Charter says what Legislator Guldi said before, all personal property subject to those special provisions for vehicles, all of that is supposed to be auctioned off to the highest -- to the highest bidder.

To jump-start this process, Legislator Carpenter is just trying to focus on the computer equipment because the thought was really to embarrass the County into doing the right thing by passing this resolution. In a perfect world you wouldn't need this resolution. This is like legislating management; you're telling people to follow the County Charter but what she did was she said let's at least get started with the computer equipment and that's what this bill talks about, computer equipment. But in a perfect world it should be everything, I mean, it should be all the things that Mr. Pollert just spoke about, the faxes, the xerox machines, the printers, the whole ten yards.

CHAIRMAN GULDI:

I'm going to withdraw the tabling motion.

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LEG. CARACCILOLO:

Good idea.

CHAIRMAN GULDI:

Let's vote it up or down on the merits. Further discussion on the motion to approve? All those in favor? Opposed? Abstentions? It's approved. 1548 is approved (VOTE: 6-0-0-0).

1554-03 - Sale of County-owned real estate pursuant to Local Law 13-1976, Sid Farber Enterprises, LLC (0200-928.00-03.00-025.00) (County Executive).



DIRECTOR COSTIGAN:

The last time this was on, Mr. Chairman --

CHAIRMAN GULDI:

We asked for mor information.

DIRECTOR COSTIGAN:

-- you asked me to research the piece of property because you were questioning the value. Indeed, this is landlocked, it's on a paper street and it's a fair way up the street, and for that reason the value is what it is. They're going to have to pay for developing the street and bringing in all the utilities and the rest, and the appraisers did consider that.

CHAIRMAN GULDI:

The question I have, let me get clarification on one thing. The other adjacent owners are -- it's all them?

DIRECTOR COSTIGAN:

He surrounds it.

CHAIRMAN GULDI:

He surrounds it. And the reason it qualifies for a Local Law 13 is because it's appraised at \$5,000.

DIRECTOR COSTIGAN:

That's right, it's below 20, yes.

CHAIRMAN GULDI:

Okay. Motion to approve by myself.

LEG. FIELDS:

Second.

CHAIRMAN GULDI:

Second by Legislator Fields. Discussion? All those in favor?  
Opposed?

LEG. CARACCILOLO:

Abstain.

CHAIRMAN GULDI:

Abstention by Legislator Caracciolo. Approved (VOTE: 5-0-1-0  
Abstention: Legislator Caracciolo).

asked me to make a motion to table.

LEG. VILORIA-FISHER:  
I'll second.

CHAIRMAN GULDI:  
Second by Legislator Viloría-Fisher. All those in favor? Opposed?  
Tabled (VOTE: 6-0-0-0).

1569-03 - Authorizing the sale of surplus County cars to Wyandanch School District (Postal). The Presiding Officer has asked me to make the same motion.

LEG. VILORIA-FISHER:  
Second.

CHAIRMAN GULDI:  
Same second, same vote. Tabled (VOTE: 6-0-0-0).

1589-03 - Authorizing certain technical corrections to Adopted Resolution 195 -2003 (County Executive). We tabled this for more information; did we get any?

LEG. CRECCA:  
We have a talker.

MR. FAULK:  
I request you table this one more time.

LEG. FIELDS:  
Why?

CHAIRMAN GULDI:  
Because you don't have the information we requested?

MR. FAULK:  
The Treasurer has some questions about what was done.

CHAIRMAN GULDI:  
Motion to table by myself.

LEG. VILORIA-FISHER:  
Second.

CHAIRMAN GULDI:  
Second by Legislator Viloría-Fisher. All those in favor? Opposed?  
Tabled (VOTE: 6-0-0-0).

1591 -03 - Directing County Department of Health Services to renegotiate malpractice liability clauses for County Health Centers

(Guldi). Mr. Gable, have you had an opportunity to complete the work on the corrected copy we discussed on this?

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MR. CABBLE:

Yes, I have. I could distribute it to the members now.

CHAIRMAN GULDI:

Cable, Mr. Cable, Camel; come on up.

MR. CABBLE:

Put him on the list.

CHAIRMAN GULDI:

It's part of a conspiracy to confuse the entire County about his name; I've even got him confused on a bad day.

MR. CABBLE:

I have to check my license every morning now.

CHAIRMAN GULDI:

All right, you're passing out a proposed corrected copy?

MR. CABBLE:

Yes.

LEG. BISHOP:

Oh, on the response.

CHAIRMAN GULDI:

Given the -- are we under any timing constraints with respect to this so that we have to move it in this cycle, given the negotiations of the County?

MR. CABBLE:

No, no. The plan now, as I understand it from the Health Services Department, is to enter into a six month extension of the expired contracts that will take us to the end of the year.

CHAIRMAN GULDI:

Okay. And on that basis, since we just handed this out and it's a three page document that no one's reviewed, I will make a motion to table --

LEG. FIELDS:

No, wait; why? I don't understand why we're tabling it.

CHAIRMAN GULDI:

Well, I haven't read it.

LEG. FIELDS:  
It's a copy of the bill.

CHAIRMAN GULDI:  
No, it's a new copy.

MR. CABBLE:  
It's been changed.

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LEG. FIELDS:  
Oh, it's a new copy.

CHAIRMAN GULDI:  
A corrected and changed copy of the bill that I have not reviewed yet, Counsel hasn't reviewed yet and no one other than the Law Department has reviewed yet, right? You want to give us a synopsis of it?

LEG. FIELDS:  
Could you tell us what changes have been made?

MR. CABBLE:  
Sure, sure. Is this on?

LEG. FIELDS:  
Yes, you have to talk closer.

MR. CABBLE:  
I had to change it somewhat from the original format because of the way that the court construed Section 50-D of the General Municipal Law. You'll notice attached to the revised language, I have a copy of 50-D and also a copy of the Appellate Division case that prompted our review of this, and then the committee's review of this. And what I did essentially was try to conform the language of the resolution to what that case did in construing 50-D.

What it said essentially is this. In order for 50-D to apply, two things have to come into play. One, the medical care that's the subject of the litigation has to have been rendered in a facility that is funded in whole or in part by public funds. And the second element that comes into play is whether or not the medical care provider received any compensation from some third party payer other than the County; if both those criteria are met, then 50-D applies. What does it mean when 50-D applies? It means two things. One, we are obligated to defend and indemnify certain specified categories of medical care practitioners that are recited in the statute; and

secondly, they are entitled to the protections of a Notice of Claim Provision which is a condition present in pursuit, someone who wants to sue those people for medical malpractice, the purported plaintiff is required to file a notice of claim in the at first instance.

Now, what had been going on is that the focus was on the fact that the patient was a clinic patient, regardless of whether the care was provided in one of the County maintained clinics or whether the care was provided in the contract hospital. And with that case, Thaw v. Onybeke which is attached to the material there, the court said that it didn't matter whether it was a clinic patient, in essence. What they said was that the malpractice suit was based upon acts that occurred at Southside hospital. And that notwithstanding the contract that Southside had with the County, Southside Hospital was not a publicly funded medical care facility, meaning 50-D doesn't apply.

And that's what I did, I conformed the resolution to that law. So what they've done is they've made the focus not on the status of the patient, but on the location of the medical care, and the

characterization of whether that location is a publicly funded facility or not.

LEG. FIELDS:  
Southside Hospital is a private hospital?

MR. CABBLE:  
Southside is a private hospital, yes; that's what the court found. Southside. Did I say North Shore? I thought I said Southside.

LEG. FIELDS:  
It's owned by North Shore.

MR. CABBLE:  
Okay.

CHAIRMAN GULDI:  
Right, you said Southside.

MR. CABBLE:  
Well, at the time -- Well, the hospital involved was Southside.

CHAIRMAN GULDI:  
Right.

LEG. CRECCA:  
Did it preclude the lawsuit on the actual health care provider?

MR. CABBLE:

No. What happened {in thaw} was the issue was whether or not there should have been a late notice of claim filed and the Appellate Division said no, the doctor in that case was not entitled to the notice of claim because the malpractice arose in a hospital that was not funded in whole or in part by public funds. So we lost that battle but what it did was completely up-end the interpretation of 50-D of the General Municipal Law.

CHAIRMAN GULDI:

Right, but it was -- the trouble with the precedent, it was a precedent to find a basis for liability where there have been no 50-D notices.

MR. CABBLE:

Exactly.

CHAIRMAN GULDI:

So it's of limited value to the -- it's of questionable precedential value is what I would say. In any event, I had an opportunity to review the redraft of the legislation, I'm actually quite comfortable with it and I want to thank you for your help with it. I will direct my staff to file this corrected copy with the Clerk's Office immediately at the conclusion of this meeting and be making a motion -- withdrawing the motion to table and making a motion to approve.

LEG. VILORIA-FISHER:

And if we can be certain to correct the spelling of my name.

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CHAIRMAN GULDI:

Let's see, did he get it? Oh, I like it, that would be even more confusing than it is now.

MR. CABBLE:

I apologize, I missed that typo.

CHAIRMAN GULDI:

That's all right; of all people to get someone's name wrong, how could you? Motion to approve by myself, second by --

LEG. CRECCA:

I'll second it.

LEG. FIELDS:

No, to table.

CHAIRMAN GULDI:

No, I withdrew the motion to table, I'm making a motion to approve it.

LEG. CRECCA:

As amended.

CHAIRMAN GULDI:

As amended.

LEG. FIELDS:

Oh, okay.

CHAIRMAN GULDI:

Because we have the time to file a corrected copy because of the week cycle. Okay? Is there a second?

LEG. CRECCA:

I second.

CHAIRMAN GULDI:

Legislator Crecca. Discussion? All those in favor? Opposed?  
Approved (VOTE: 6-0-0-0). Thank you.

1599-03 - Authorizing that Resolution No. 404-2002 be rescinded due to lack of payment of prior fee owner (County Executive). We asked for really due diligence in terms of contacting and follow-up on this; what's the status on it?

DIRECTOR COSTIGAN:

That's right. I have here today Mr. Bob Reich from my redemption, if you have any questions; he directly spoke with Ms. {Winsler} at some length. She bought this 30 X 100 strip next to her property, subsequently her husband died and she moved to Nassau County; she now rents the house and couldn't care less whether she has this strip or not and told us she does not want it.

CHAIRMAN GULDI:

And has no intention of redeeming it.

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DIRECTOR COSTIGAN:

And has no intention.

CHAIRMAN GULDI:

Motion to approve by myself -- and place on the consent calendar by myself, second by Legislator Vilorio-Fisher. Discussion? All those in favor? Opposed? Approved and placed on the Consent Calendar (VOTE: 6-0-0-0).

## Introductory Resolutions: Real Estate

Moving on to Real Estate, 1608-03 - Authorizing conveyance of parcel to Town of Babylon for transfer to NU-OP Association Corp., Inc. (Section 72-h, General Municipal Law) (Postal). Motion to table at the request of the Presiding Officer. Second by?

LEG. FIELDS:  
I'll second it.

CHAIRMAN GULDI:  
Legislator Fields. Discussion? All those in favor? Opposed?  
Tabled (VOTE: 6-0-0-0).

1617-03 - Sale of County-owned real estate pursuant to Local Law 13-1976, Michael Plumitallo & Salvatore Plumitallo (0400-281.00-02.00-056.00 & 057.000) (County Executive). Let's see, 0400 is?

LEG. CRECCA:  
It's a town.

CHAIRMAN GULDI:  
Huntington; we've got to do them alphabetically. It's a Local Law 13, so it's --

MR. SABATINO:  
It came in at the appraised value, \$2,500, and that's what the bid is.

CHAIRMAN GULDI:  
One bid, no competing bidders.

MR. SABATINO:  
No other bidders, no other bidders.

CHAIRMAN GULDI:  
Questions? Motion to approve and place on the consent calendar by myself.

LEG. FIELDS:  
Second.

CHAIRMAN GULDI:  
Second by Legislator Fields. Discussion? All those in favor?  
Opposed? Approved and placed on the consent calendar (VOTE: 6-0-0-0).



1618-03 - Sale of County-owned real estate pursuant to Local Law 13-1976, Abilio Trindade and Roselia Trindade, his wife (0100-214.00-02.00-021.000) (County Executive).

DIRECTOR COSTIGAN:

They bid the appraised value, there were four competent bidders, only one bid was submitted.

CHAIRMAN GULDI:

Only one bid. Motion to approve and place on the consent calendar.

LEG. FIELDS:

Second.

CHAIRMAN GULDI:

All those in favor? Opposed? Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1619-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Beatryce Nivens (0100-055.00-01.00-037.000) (County Executive).

DIRECTOR COSTIGAN:

She's the prior owner.

CHAIRMAN GULDI:

Prior owner with a right of redemption, timely filed.

DIRECTOR COSTIGAN:

And all taxes and arrears have been paid.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by myself, second by Legislator Fields. All those in favor? Opposed? Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1620-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Strahmann Holding Corp (0200-072.00-01.00-031.001) (County Executive).

DIRECTOR COSTIGAN:

Again, prior owner.

CHAIRMAN GULDI:

This is Strahmann Holding Corp. Now, this is a corporation that we took the deed on a year instead of three, right?

DIRECTOR COSTIGAN:

Right.

CHAIRMAN GULDI:

What's the basis for the redemption right under this application; is it lack of notice?

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DIRECTOR COSTIGAN:

Yes. It's a similar -- no, they paid within the time that they have as of right.

LEG. VILORIA-FISHER:

Motion to approve.

DIRECTOR COSTIGAN:

No taxes in arrears.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by Legislator Viloria-Fisher, second by Legislator Fields. All those in favor? Opposed? Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1621-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Paul V. Samuels and Neanna L. Samuels, Executors of the Estate of Moses Samuels (0200-453.00-02.00-036.000) (County Executive).

LEG. VILORIA-FISHER:

Moses.

CHAIRMAN GULDI:

I don't know, I just lost my place. Moses, yes, the Estate of Moses. Again, of right and timely?

DIRECTOR COSTIGAN:

Indeed, yes.

LEG. FIELDS:

Same motion, same second.

CHAIRMAN GULDI:

Same motion, same second, same vote. Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1622-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act The Chase Manhattan Bank as Trustee of IMC Home Equity Loan Trust (0200-975.80-05.00-027.00) (County Executive). Now, wait a minute, what's this one, lack of notice or timely?

DIRECTOR COSTIGAN:

The -- well, just to get the parties straight first, there was a trustees deed here.

CHAIRMAN GULDI:

To the Chase Manhattan Bank?

DIRECTOR COSTIGAN:

The owner by referee's deed was IMC Home Equity Loan Trust.

CHAIRMAN GULDI:

Right.

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DIRECTOR COSTIGAN:

And Chase Manhattan Bank is the trustee for that trust.

CHAIRMAN GULDI:

So they took it in foreclosure at some point, obviously.

DIRECTOR COSTIGAN:

So they took it in foreclosure.

CHAIRMAN GULDI:

And then didn't pay the taxes on it.

DIRECTOR COSTIGAN:

We acquired it in 2001.

CHAIRMAN GULDI:

And they are redeeming it on?

DIRECTOR COSTIGAN:

They filed the same year.

CHAIRMAN GULDI:

They filed the same year so it's a timely redemption.

DIRECTOR COSTIGAN:

Yes.

LEG. CRECCA:

Motion.

CHAIRMAN GULDI:

Motion to approve and place or just to approve?

LEG. FIELDS:

To approve and place.

LEG. CRECCA:

Sure.

CHAIRMAN GULDI:

Okay, motion by Legislator Crecca, second by Legislator Fields.  
All those in favor? Opposed? Approved and placed on the consent  
calendar (VOTE: 6-0-0-0).

Shouldn't foreclosing banks be held to a higher standard?

1623-03 - Authorizing the sale pursuant to Local Law 16-1976 of real  
property acquired under Section 46 of the Suffolk County Tax Act Norma  
DiMartino, Executrix of the Estate of Sarah R. Sherman  
(0200-976.80-01.00-004.000) (County Executive). Of right?

DIRECTOR COSTIGAN:

Yes, this is the estate of the prior owner.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar, second by

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Legislator Viloría-Fisher. All those in favor? Opposed?  
Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1624-03 - Sale of County-owned real estate pursuant to Local Law  
13-1976, Jamie Correia (0800-045.00-03.00-039.00) (County Executive).

LEG. VILORIA-FISHER:

Correia.

CHAIRMAN GULDI:

Correia.

DIRECTOR COSTIGAN:

On this --

CHAIRMAN GULDI:

We had only one bid at the price?

DIRECTOR COSTIGAN:

Yes.

CHAIRMAN GULDI:

All \$375. How much land do you get for \$375, just for the record?

DIRECTOR COSTIGAN:

The parcel is 15 X 100 X 3 X 100; it's a very long triangle, also a very narrow triangle.

CHAIRMAN GULDI:  
Aha.

LEG. CRECCA:  
I don't think you can build a shed on that.

CHAIRMAN GULDI:  
No, a three foot -- yeah, I don't think you can skateboard on that because it gets too narrow down at the pointy end. Motion to approve and place on the consent calendar.

LEG. VILORIA-FISHER:  
Second.

CHAIRMAN GULDI:  
Second by Legislator Viloría-Fisher. All those in favor? Opposed? Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1625-03 - Sale of County-owned real estate pursuant to Local Law 13-1976, Jamie Corraei (0800-045.00-03.00-013.00) (County Executive).

LEG. VILORIA-FISHER:  
Same buyer.

CHAIRMAN GULDI:  
Same buyer. Are these parcels adjacent or are they opposite sides? Well, no, I mean, are they adjacent to each other is the question.

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LEG. VILORIA-FISHER:  
Three of them in a row.

CHAIRMAN GULDI:  
Yeah; explain this.

DIRECTOR COSTIGAN:  
Yeah, you need to flip back and forth between the maps.

CHAIRMAN GULDI:  
One's the corner spot, one's the wedge.

DIRECTOR COSTIGAN:  
They're both triangles, one triangle is above the other and he owns the whole property behind it.

CHAIRMAN GULDI:

Ah, he owns the large -- he owns the parcel, the large single parcel, not the small --

DIRECTOR COSTIGAN:

Yes, to the west of the triangles, he owns the property behind each of the triangles. You can see lot 12 behind the --

CHAIRMAN GULDI:

One of the maps I have labels that parcel New York State.

DIRECTOR COSTIGAN:

No, that's on the east side, this is on the west side. Correia owns the property to the west.

CHAIRMAN GULDI:

Oh, oh, oh, okay.

DIRECTOR COSTIGAN:

The arrow is pointing at both the lot and at Correia's property.

CHAIRMAN GULDI:

Okay. I see, New York State didn't bid, it's the opposite side, I understand. 1627 is the third one, all right. On this second -- 1625, I'll make the motion to approve and place on the consent calendar.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN GULDI:

Second by Legislator Viloría-Fisher. All those in favor? Opposed? Approved and on the consent calendar (VOTE: 6-0-0-0).

1627-03 - Sale of County-owned real estate pursuant to Local Law 13-1976, Jamie Correai (0800-045.00-02.00-025.00) (County Executive). I'll make the same motion.

LEG. VILORIA-FISHER:

Same second.

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CHAIRMAN GULDI:

Same second. All those in favor? Opposed? Same vote. Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1628-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act

Afrasiab Family and Meehan Gezersses, ux (0200-727.00-04.00-015.000)  
(County Executive).

LEG. VILORIA-FISHER:  
Gezersses.

CHAIRMAN GULDI:  
Gezersses? This is of right, timely redemption?

DIRECTOR COSTIGAN:  
Yes, by the prior owner.

CHAIRMAN GULDI:  
Motion to approve and place on the consent calendar by myself.  
Second by?

LEG. VILORIA-FISHER:  
I'll second.

CHAIRMAN GULDI:  
Legislator Viloría-Fisher. All those in favor? Opposed?  
Approved and placed on the consent calendar (VOTE: 6-0-0-0).

LEG. VILORIA-FISHER:  
I was trying to give you an easier name but nobody else jumped in.

CHAIRMAN GULDI:  
Yes, well, you know; it doesn't matter how easy they are, just as long  
as you don't go around changing them.

1629-03 - Authorizing the sale pursuant to Local Law 16-1976 of real  
property acquired under Section 46 of the Suffolk County Tax Act  
Afrasiab Family and Meehan Gezersses, ux (0200-973.80-05.00-007.000)  
(County Executive).

DIRECTOR COSTIGAN:  
There's seven more by the same name so you'll have it by the end.

CHAIRMAN GULDI:  
No, I won't.

DIRECTOR COSTIGAN:  
In fact, there are eight.

CHAIRMAN GULDI:  
How do we have seven by the same; what's the situation of this, is  
this again -- are they all non-competing redemptions of one of these  
large subdivision -- old filed maps? Could you explain how this comes  
about?

DIRECTOR COSTIGAN:

Well, you can follow the lot numbers, they are adjacent one to the other. The one you just approved was --

CHAIRMAN GULDI:

Fifteen.

DIRECTOR COSTIGAN:

And then -- here we've got seven, eight, nine, ten, and then if you drop down farther there's 14; these are adjacent lots.

CHAIRMAN GULDI:

Yeah, but why are we treating them all -- you know, seven, eight, nine and ten are adjacent to each other.

DIRECTOR COSTIGAN:

Yes.

CHAIRMAN GULDI:

Yes. Have they not merged and how are we treating them as unmerged lots?

DIRECTOR COSTIGAN:

They have not merged according to the assessor; the assessor is still assessing them separately.

CHAIRMAN GULDI:

Yeah, but if any private owner in the world had them they would have merged by operational law in Brookhaven, would they not?

MR. KENNEDY:

It's not a zoning issue, it's just a billing issue from the Treasurer's Office.

CHAIRMAN GULDI:

I understand that but it becomes a Municipal Law issue when the aggregate of the merged lots exceeds the \$20,000 threshold which qualifies a Local Law 13.

DIRECTOR COSTIGAN:

This isn't a Local Law 13, these are redemptions.

CHAIRMAN GULDI:

Oh, all right, fine; redemptions are different. That explains -- that moots my question.

LEG. BISHOP:



You and Christine are going to have to have a call before this meeting to go over everything.

CHAIRMAN GULDI:

Well, if we did that we wouldn't need to hold a meeting. Motion to place and a put on the consent calendar by myself, second by Legislator Bishop. All those in favor? Opposed? Approved and placed on the consent calendar (VOTE: 6-0-0-0).

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1630-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Afrasiab Family and Meehan Gezersses, ux (0200-973.80-05.00-008.000) (County Executive). Same motion, same second, same vote. Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1631-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Afrasiab Family and Meehan Gezersses, ux (0200-973.80-05.00-009.000) (County Executive). Same motion, same second same vote. Approved and placed on the consent calendar (VOTE: 6-0-0-0).

LEG. CRECCA:

That's the ticket.

CHAIRMAN GULDI:

1632-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Afrasiab Family and Meehan Gezersses, ux (0200-973.80-05.00-010.000) (County Executive). Same motion, same second same vote. Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1633-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Carlos Ventura (0500-224.00-02.00-046.002) (County Executive). Of right?

DIRECTOR COSTIGAN:

This is of right, yes.

CHAIRMAN GULDI:

Same motion, same second, same vote. Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1635-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Mahindorht Gezersses (0200-973.80-05.00-011.000) (County Executive). Motion to approve and place on the consent calendar by myself, second

by Legislator Bishop. All those in favor? Opposed? Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1636-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Roxanne Family (0200-973.80-05.00-013.000) (County Executive). Again, of right?

DIRECTOR COSTIGAN:  
That's right.

CHAIRMAN GULDI:  
They're all of right otherwise you wouldn't process them, correct? All those in favor? Opposed? Approved and placed on the consent calendar (VOTE: 6-0-0-0).

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1637-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Mahindorht Gezersses (0200-973.80-05.00-014.000) (County Executive). Same motion, same second, same vote. Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1638-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Mahindorht Gezersses (0200-973.80-05.00-015.000) (County Executive).

LEG. BISHOP:  
Is this a different Gezersses?

DIRECTOR COSTIGAN:  
No, this is the same Gezersses.

CHAIRMAN GULDI:  
Same Gezersses. Same motion, same second, same vote. Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1639-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Afrasiab Family and Meehan Gezersses, ux (0200-973.80-05.00-016.000) (County Executive). Same motion, same second, same vote. Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1640-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Charles E. Downs (0600-126.00-02.00-010.000) (County Executive). This is a redemption by Downs in 0600, which is East Hampton?

UNKNOWN AUDIENCE MEMBER:  
Riverhead.

CHAIRMAN GULDI:  
Riverhead, Riverhead. Of right?

DIRECTOR COSTIGAN:  
Yes, it is.

CHAIRMAN GULDI:  
Same motion, same second, same vote. Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1642-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Afrasiab Family and Meehan Gezersses, ux (0200-973.80-05.00-017.000) (County Executive).

LEG. VILORIA-FISHER:  
We're back to the Gezersses.

CHAIRMAN GULDI:  
Same motion, same second, same vote on 1642. Approved and placed on the consent calendar (VOTE: 6-0-0-0).

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1643-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Afrasiab Family and Meehan Gezersses, ux (0200-973.80-05.00-018.000) (County Executive).

LEG. VILORIA-FISHER:  
Same family.

CHAIRMAN GULDI:  
One more time; same motion, same second, same vote.  
Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1644-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Afrasiab Family and Meehan Gezersses, ux (0200-973.80-05.00-019.000) (County Executive). Same motion, same second, same vote. Approved and placed on the consent calendar (VOTE: 6-0-0-0). Are you sure this family has enough real estate?

1645-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Afrasiab Family and Meehan Gezersses, ux (0200-973.80-05.00-020.000)

(County Executive). Same motion, same second, same vote. Pay the penalties and interest, it's an expensive loan. Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1646-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Afrasiab Family (0500-053.00-04.00-005.000) (County Executive).

LEG. VILORIA-FISHER:  
Same family.

CHAIRMAN GULDI:  
No, it's not.

LEG. VILORIA-FISHER:  
Afrasiab family.

CHAIRMAN GULDI:  
Afrasiab Family; oh, it's the first one without the other one.

LEG. CARACCILO:  
Mr. Chairman?

CHAIRMAN GULDI:  
Same motion, same second, same vote.

Yes, Mr. Caracciolo?

LEG. CARACCILO:  
On 1644, looking at the backup it indicates that the taxes were in arrears from 1996 to 2002. What is the statute in terms of --

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CHAIRMAN GULDI:  
Actually it depends on whether or not we've taken the deed and whether they got notices.

LEG. CARACCILO:  
Counsel, could you explain?

MR. SABATINO:  
It's improved property, they have three years and six months. The issue -- a lot of these resolutions you'll see the calculations run on for six, seven years. As long as the application was filed in a timely fashion then you're okay. When that question has been raised in the past we've always been assured that they've been filed in a timely fashion.

LEG. CARACCILOLO:

Okay. And I know you have routinely today raised that question, but I'd like on every one of these resolutions to put on the record that they're timely.

CHAIRMAN GULDI:

Okay. Well, that's inherent in the question when I say it's of right, because if it's not a timely application it wouldn't be of right. It is. All those in favor of 1646? Opposed? Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1647-03 - Authorizing the Director of the Division of Real Estate, Department of Planning, to issue a Certificate of Abandonment of the interest of the County of Suffolk in property designated as Town of Babylon, SCTM (0100-031.00-02.00-083.000) pursuant to Section 40-D of the Suffolk County Tax Act (County Executive). Mennonite Notice case?

DIRECTOR COSTIGAN:

The property was -- it's a little more complicated than that. The property was erroneously split in 1995 by the Real Property Tax Service, so the person didn't get a bill thereafter for the property. So it wasn't that they were -- they didn't pay because they weren't billed.

CHAIRMAN GULDI:

So it's a municipal error case.

DIRECTOR COSTIGAN:

It's a municipal error.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by myself.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN GULDI:

Second by Legislator Viloría-Fisher. All those in favor? Opposed? Approved and placed on the consent calendar (VOTE: 6-0-0-0).

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1648-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Armando Rodrigues (0200-476.00-02.00-027.000) (County Executive). Of right, timely filed?

DIRECTOR COSTIGAN:

Yes, it's an application of right.

CHAIRMAN GULDI:

Motion by Legislator Vilorio-Fisher to approve and place on the consent calendar, second by Legislator Fields. All those in favor? Opposed? Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1649-03 - Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Robert Keleher (0500-127.00-02.00-059.001) (County Executive). Of right, timely?

DIRECTOR COSTIGAN:

I need to look at this one again, if you'd pass it over.

CHAIRMAN GULDI:

We'll pass it over.

DIRECTOR COSTIGAN:

You table it, I think.

LEG. CARACCILOLO:

Table; motion to table.

LEG. FIELDS:

Second.

CHAIRMAN GULDI:

Motion to table by Legislator Caracciolo, second by Legislator Fields. All those in favor? Opposed? Tabled (VOTE: 6-0-0-0).

1652-03 - Authorizing the sale of County-owned real estate pursuant to Section 215, New York State County Law to Jeannette Bowman (Bishop).

LEG. VILORIA-FISHER:

This is Bishop?

DIRECTOR COSTIGAN:

This is due to medical financial hardship.

LEG. CARACCILOLO:

Counsel?

LEG. VILORIA-FISHER:

Dave, this is yours.

LEG. BISHOP:

They met the criteria.

MR. SABATINO:

They filed medical and governmental error.

CHAIRMAN GULDI:

And it meets the criteria?

MR. SABATINO:

Yes.

CHAIRMAN GULDI:

Motion by Legislator Bishop to approve and place on the consent, or do you want to --

LEG. BISHOP:

Yes.

CHAIRMAN GULDI:

Approve and place on the consent calendar, by myself. All those in favor? Second by myself. Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1732-03 - Approving maps, authorizing the acquisition of lands together pursuant to Section 206 of the Eminent Domain Procedure Law in connection with the acquisition of properties for safety improvements along Montauk Highway on CR 85 at Atlantic Avenue, Town of Brookhaven, Suffolk County, New York, CP (County Executive).

LEG. FIELDS:

This is condemnation; I just want to put that on the record.

CHAIRMAN GULDI:

For a road, that's what it would be.

LEG. FIELDS:

Just want to say it's a condemnation.

CHAIRMAN GULDI:

This is authorizing the maps in the beginning and the acquisition, this actually goes the whole route without knowing what it's going to cost us. Is there a motion?

LEG. CRECCA:

Motion.

CHAIRMAN GULDI:

Motion by Legislator Crecca.

LEG. FIELDS:



I'll second that motion.

CHAIRMAN GULDI:

Second by Legislator Fields. Discussion on the motion to condemn property without knowing what it's going to cost us?

LEG. CRECCA:

No.

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CHAIRMAN GULDI:

All those in favor?

LEG. CARACCILO:

For safety improvements, keep that in mind.

CHAIRMAN GULDI:

Opposed?

DIRECTOR COSTIGAN:

I have the answer for you on 1649.

CHAIRMAN GULDI:

All right. Well, let me just announce the vote on -- this one's approved (VOTE: 6-0-0-0).

Was that a motion for the consent calendar? I don't think so.

LEG. CRECCA:

No.

CHAIRMAN GULDI:

Let's go back to 1649 which was the bottom of the last page, it's a Local Law 16, Keleher, and it is not a standard situation. Go ahead.

DEPUTY DIRECTOR BURKE:

Just a notice issue. There was a Mennonite Notice, he responded to a Mennonite Notice. There was an issue about who owned the property and Keleher has good title and he didn't receive notice for many, many years but we Mennonite noticed him recently, he applied in a timely, so it's a timely --

CHAIRMAN GULDI:

A timely redemption to a late Mennonite Notice.

LEG. FIELDS:

Motion to approve.

CHAIRMAN GULDI:



Motion to approve and place on the consent calendar by Legislator Fields, second by myself. Actually, first we have to do -- let's make it a motion to reconsider the tabling (1649), approve and place it on the consent calendar; one motion by Legislator Fields, second by myself. All those in favor? Opposed? It's now on the consent calendar and approved, having been reconsidered (VOTE: 6-0-0-0).

#### Introductory Resolutions: Finance

Moving right onto Finance, starting our next committee meeting, 1603-03 - Authorizing the County Treasurer to borrow cash funds from other County funds for 2003 (Presiding Officer Postal). Counsel?

MR. SABATINO:

This has become an annual event. The key is that it's for cash flow purposes, the County borrows from within funds to meet payroll and cash flow responsibilities. But the important thing is that it's got to be paid back before the end of the year with prevailing interest

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and last year was a pretty close call, so it be monitored to make sure they pay it back before January 1st.

CHAIRMAN GULDI:

Okay. I'm sure Budget Review will monitor this in any event. I'll make a motion to approve.

LEG. FIELDS:

Second.

CHAIRMAN GULDI:

Second by Legislator Fields. All those in favor? Opposed? Approved (VOTE: 6-0-0-0).

1616-03 - To readjust, compromise and grant refunds and chargebacks on correction of errors/County Treasurer by: County Legislature #173 (County Executive). The aggregate amount of the errors is three and \$4,000 errors, four of them, they're all in the Town of Southampton. I'll make a motion to approve and place on the consent calendar.

LEG. CARACCILOLO:

Second.

CHAIRMAN GULDI:

Second by Legislator Caracciolo. All those in favor? Opposed? Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1627-03 (sic) (1626-03) - To readjust, compromise and grant refunds

and chargebacks on correction of errors/County Treasurer by: County Legislature Control #708-2003 (County Executive). The same issue, 708. These are in Babylon, Brookhaven and Smithtown and they're two and \$3,000 a piece -- no, actually one is --

LEG. BISHOP:  
1626?

LEG. FIELDS:  
The number is 1626, you didn't read it correct.

CHAIRMAN GULDI:  
I'm sorry, 1626. One of them is \$24,000 in Babylon but they're, again, clerical. I'll make a motion to approve and place on the consent calendar.

LEG. CRECCA:  
Second.

LEG. FIELDS:  
Second.

CHAIRMAN GULDI:  
Second by Legislator Crecca. All those in favor? Opposed?  
Approved and placed on the consent calendar (VOTE: 6-0-0-0).

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1634-03 - To readjust, compromise and grant refunds and chargebacks on correction of errors/County Treasurer by: County Legislature #174 (County Executive). Another chargeback resolution and this one is -- these are Brookhaven and East Hampton, 5,000 and \$3,000 respectively. Same motion, same second, same vote. Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1697-03 - Amending the 2003cap budget and program appropriating start-up funds in connection with the reconstruction of CR 80, Montauk Highway, Shirley/Mastic, Town of Brookhaven (CP 5516) (County Executive).

LEG. CARACCILO:  
Motion.

LEG. BISHOP:  
Why are they here and not at Public Works?

MR. SABATINO:  
This is to acquire land; this is the land component, not the construction.

LEG. CARACCILO:  
Motion.

CHAIRMAN GULDI:  
Motion by Legislator Caracciolo, second by myself.

LEG. BISHOP:  
And when we say amending, what's the offset?

MR. SABATINO:  
There's no offset here because it's more than 50% Federal/State funded.

LEG. BISHOP:  
So it's just a direct add?

CHAIRMAN GULDI:  
Direct add, yeah.

MR. SABATINO:  
It's 400,000.

LEG. BISHOP:  
How much?

MR. SABATINO:  
I believe it's --

CHAIRMAN GULDI:  
Four hundred thousand.

MR. SABATINO:  
Four hundred thousand, right.

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LEG. BISHOP:  
And it wasn't included in the Capital Program?

DIRECTOR COSTIGAN:  
Excuse me. You had funded this some time ago and the -- some combinations can go on for years, as did this one, and there's sort of an automatic closure of some accounts and this account got closed. So you've already funded this a long time ago, looked at it and considered it, but due to a -- I can't speak to the actual glitch in how you open and close Capital accounts, but this one was closed by mistake so we're reopening it and refunding it for the exact same project you looked at years ago.

LEG. BISHOP:

My mistake or by operation of law was it closed?

DIRECTOR COSTIGAN:

I think it's operation of procedure.

LEG. BISHOP:

Procedure, okay.

LEG. CRECCA:

Yeah, I think we had the sunset policy that we adopted after five years if there's been no --

LEG. BISHOP:

Is that right, five years?

MR. SABATINO:

That hasn't kicked in yet. What probably happened was it was probably put on that list of capital closeouts that we do under the Caracappa Law, so we probably mistakenly closed out one additional project.

LEG. CRECCA:

You're right, it was Caracappa's fault, not Crecca's fault.

MR. SABATINO:

No, that was the old one, the correct law will kick in in the future to sunset.

CHAIRMAN GULDI:

We can blame Crecca anyway, though.

LEG. CRECCA:

That's fine.

CHAIRMAN GULDI:

I do want to point out that the failure to approve this we will forego the 80% Federal funding for this project.

LEG. CARACCILOLO:

Motion.

LEG. CRECCA:

And a second.

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CHAIRMAN GULDI:

We have a motion and a second. All those in favor?

LEG. BISHOP:

Are we -- on the motion. Are we precluded from using offsets? You know, the Capital Budget is now going through a ballooning which I keep warning you about and it's going to have an impact on the Operating Budget, so I'm just trying to find out whether there's an offset available. Leaving aside whether it's available, is there -- are we not allowed to use an offset or we just choose not to?

MR. SABATINO:

No, you're permitted. The starting point on these issues is whether or not you have to have an offset, this one you don't have to but you always have the freedom to go further.

LEG. CRECCA:

David, why don't you look into that in the next week and a half, see if you can find an appropriate offset. I wasn't being sarcastic, we can always amend it on the floor.

LEG. CARACCILOLO:

There's a motion and a second.

CHAIRMAN GULDI:

Motion and a second. All those in favor? Opposed? Abstentions?

LEG. BISHOP:

I'm opposed.

CHAIRMAN GULDI:

Approved (VOTE: 5-1-0-0 - Opposed: Legislator Bishop).

1700-03 - Amending the 2003 Operating Budget and appropriating funds in connection with bonding settlements for medical malpractice cases (County Executive). \$850,000 bond. The choices are -- since it's already a settlement, we either pay or we pay; you know, we pay it out of operating funds or we bond it.

MR. SABATINO:

Just a technical point; it's really not amending the Operating Budget, you're bonding something. Just from a technical standpoint, the title is really not consistent.

CHAIRMAN GULDI:

Right.

MR. SABATINO:

But you're appropriating \$850,000 in serial bonds --

CHAIRMAN GULDI:

To pay the insurance settlement that we previously approved.

MR. SABATINO:  
-- that you approved.

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LEG. CARACCILO:  
Counsel, the 850,000 is no longer available in the Operating Budget?

MR. SABATINO:  
There never was the \$850,000. I'm just pointing out to you that the title is a little misleading when it says you're amending the Operating Budget; what you're doing is you're bonding which you're allowed to do under State Local Finance Law, you can bond judgments. This is something that was settled by the Ways and Means Committee, there's no money in the Operating Budget to cover it but you're allowed to bond it which is what this would do.

LEG. CARACCILO:  
What other means would we have at our disposal to pay for this settlement?

MR. SABATINO:  
The only other thing would be -- well, you don't, I mean, unless you set up the insurance reserve fund.

LEG. CARACCILO:  
Okay, thank you.

CHAIRMAN GULDI:  
Yeah. From time to time we've had insurance reserve funds in the past, I remember advocacy to fund it to higher levels than we have.

LEG. CARACCILO:  
Motion to approve.

CHAIRMAN GULDI:  
Legislator Fields wants to be recognized.

LEG. FIELDS:  
For the past four years on this committee --

LEG. CRECCA:  
I'm sorry, go ahead.

LEG. FIELDS:  
For the past four years, or at least three that I recall on this committee, we've had a presentation about the amount of money that we will need for settlements and the amount of money that we have in the

County. I don't recollect a presentation in a really long time, and I'm wondering whether it's that you have to reach out for them and invite them to come here or whether it's part of this committee that we're supposed to be getting that and they're supposed to -- am I correct, Counsel? We used to get a presentation.

MR. SABATINO:

Which presentation do you mean. There's a statutory one and there was just an ad hoc one, I'm not sure which of the two you're --

LEG. FIELDS:

I don't know which one it was, whether it was statutory or ad hoc that

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they presented to us, but they used to present this is how much money we've paid out.

MR. SABATINO:

No, that's ad hoc, that's ad hoc. So either you have to exercise influence by -- you know, by instructing or directing or it's not going to happen by osmosis. That's not the statutory one, the statutory one is one that talks about the mitigation measures, but that statute hasn't been followed, so.

LEG. FIELDS:

Well, then I would ask the Chairman to follow that up with Mr. Cabble. He was supposed to give us a presentation of the settlement that we have deliberated on over the last year and how those settlements or those problems have been mitigated, so that's one part of it. The second part of it is how much we have had to have paid out in settlement cases and what we have left -- obviously it looks like we have nothing left -- but, you know, I think that that's important information for this committee to have.

CHAIRMAN GULDI:

I think you're right. One of the measures -- while we've been tracking one of the measures we've adopted changing our policy for insurance of medical service providers is part of the result of monitoring this. I think that we -- it's time for an update, we used to get them annually before retirements and changes. I think that we could benefit from further discussion of that. I'll direct my aide, if they come back into the room, to --

LEG. FIELDS:

Maybe we could ask you to write an official letter and sign it from the whole committee requesting their presence at the next meeting.

CHAIRMAN GULDI:

I'd be glad to. Mister -- did you get that; have you heard the discussion we just had? You were just given instructions.

MR. DONOVAN:  
I missed it.

CHAIRMAN GULDI:  
Well, that's what you get for not being in the room; slap his wrist for me. 1700, on the motion, all those in favor? Legislator Caracciolo's motion, Legislator Crecca's second. All those in favor? Opposed. 1700 is approved (VOTE: 6-0-0-0).

1703-03 - Amending the 2003cap budget and program appropriating funds in connection with the acquisition of land for the reconstruction of Deer Park Avenue East, CR 66, Town of Huntington (CP 5508.211) (County Executive).

LEG. CRECCA:  
Changing from G money to B money, I think.

MR. SABATINO:  
No, this is an offset, 1703 has an offset. The offset's coming from

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Bay Shore Road land acquisition for Deer Park Avenue land acquisition, so it's a straight offset of \$275,000.

CHAIRMAN GULDI:  
So there is not a corrected copy, this is as laid on the table on 8/5; is that correct, Counsel?

MR. SABATINO:  
Correct.

CHAIRMAN GULDI:  
Okay, I'm going to make a motion to approve.

LEG. CARACCIOLO:  
Second.

LEG. FIELDS:  
I'll second it.

CHAIRMAN GULDI:  
Second by Legislator Caracciolo.

LEG. CRECCA:  
Third.



CHAIRMAN GULDI:  
You were fourth.

LEG. FIELDS:  
Mr. Chairman?

CHAIRMAN GULDI:  
Yeah?

LEG. FIELDS:  
Call the vote and then I want to ask a question.

CHAIRMAN GULDI:  
All those in favor? Opposed? 1703 is approved (VOTE: 6-0-0-0).

1706-03 - Amending the 2003cap budget and program appropriating funds in connection with the acquisition of land for the reconstruction of Deer Park Avenue East, CR 66, Town of Huntington (CP 5508.211) (County Executive).

LEG. FIELDS:  
Can I also ask, in addition for your aide --

LEG. BISHOP:  
1703 I'll be opposed, it's the same issue.

LEG. CARACCILO:  
It's an offset.

LEG. BISHOP:  
Oh, it's an offset. Excuse me, I apologize.

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LEG. CRECCA:  
We're watching for you.

LEG. CARACCILO:  
Especially when it's in your district. Sorry.

LEG. FIELDS:  
In addition to requesting the settlement cases, may we also have a presentation on the worker's compensation?

CHAIRMAN GULDI:  
I would certainly include that in any discussions we're having.

LEG. FIELDS:

Thank you.

LEG. CARACCILO:  
Mr. Chairman.

CHAIRMAN GULDI:  
Legislator Caracciolo.

LEG. CARACCILO:  
Let me make my monthly request.

CHAIRMAN GULDI:  
For finance, okay.

LEG. CARACCILO:  
That's right, since we're in the Finance Committee, to have a budget presentation, an update on the status of funds, fund balances and a projection for the '04 budget since we will shortly be receiving that, and I know that's what you've been waiting. You've been procrastinating and delaying and postponing the inevitable.

CHAIRMAN GULDI:  
I resent the implication that I have been procrastinating, Mr. Caracciolo; I suggest that we've been waiting for that presentation for an opportunity when you weren't here.

LEG. CARACCILO:  
Well, you'll wait a long time then, George.

CHAIRMAN GULDI:  
And I could assure you that the moment you're late for a meeting we will have concluded it.

LEG. CARACCILO:  
Well, since -- at the conclusion of today's meeting if Budget Review could just give us a quick down and dirty synopsis of fund balances, I think we'd all find that very successful and helpful. Thank you.

CHAIRMAN GULDI:  
Okay, we'll take that up after we do the agenda. Back to the agenda, unless there are anymore requests that we do more.

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LEG. CRECCA:  
No, can we just get through the agenda and save the requests for the end?

CHAIRMAN GULDI:

I'd love to. 1706-03 - Amending the 2003cap budget and program appropriating funds in connection with the acquisition of land for safety improvements along Montauk Highway, CR 85 at Atlantic Avenue, Town of Brookhaven (CP 5554) (County Executive). Motion to approve.

LEG. FIELDS:  
Second.

CHAIRMAN GULDI:  
Counsel?

MR. SABATINO:  
It's a straight offset, the same offset from the last bill was used, the Bay Shore project.

CHAIRMAN GULDI:  
Okay. All those in favor? Opposed? 1706 is approved  
(VOTE: 6-0-0-0).

1709-03 - Accepting and appropriating 100% grant funds from the United States Department of Labor Employment Training Administration to fund a Work Incentive Grant (County Executive).

LEG. CRECCA:  
Motion to approve and place on the consent calendar.

LEG. CARACCILOLO:  
Second.

CHAIRMAN GULDI:  
Motion by Legislator Crecca to approve and place on the consent calendar, second by Legislator Caracciolo. All those in favor?  
Opposed? Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1721-03 - Transferring and appropriating additional Torrens revenues to the County Clerk (Presiding Officer Postal). It's \$23,816 associated with the Torrens Trust Agency account are hereby transferred and appropriated. And the reason I presume that we're transferring the Torrens money to the Clerk is because the Torrens system is no longer utilized, it has been completely closed down; am I correct?

MR. SABATINO:  
That's correct, this money is going to be used to update or complete the Torrens Index.

CHAIRMAN GULDI:  
The former Torrens Index since it's all deeds.

MR. SABATINO:

Well, the index of former Torrens properties.

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LEG. CRECCA:  
Motion.

CHAIRMAN GULDI:  
Okay. Motion to approve and place on the consent calendar by  
Legislator Crecca, second by myself. All those in favor? Opposed?  
Approved and placed on the consent calendar (VOTE: 6-0-0-0).

And quick, Mike, what's a Torrens?

1727-03 - Adopting Local Law No. 2003, a Charter Law to create a  
County Office of Financial Management and elected County Auditor  
(Guldi).

LEG. CRECCA:  
The guy at the bull fight.

MR. SABATINO:  
It's a public hearing, Mr. Chairman.

CHAIRMAN GULDI:  
Motion to table for a public hearing by myself, second by Legislator  
Bishop. All those in favor? Opposed? Tabled (VOTE: 6-0-0-0).

LEG. BISHOP:  
It's a movie about the beginning of World War II Torrens.

CHAIRMAN GULDI:  
1728-03 - Authorizing the disbursement of funds from the Suffolk  
County Living Wage Contingency Fund for the Community Programs Center  
of LI and the Babylon Child Care Center, Inc. (County Executive).  
Legislator Bishop?

LEG. BISHOP:  
Motion to approve.

CHAIRMAN GULDI:  
Motion to approve by Legislator Bishop.

LEG. VILORIA-FISHER:  
Second.

CHAIRMAN GULDI:  
Second by Legislator Viloria-Fisher. Discussion?

MR. KNAPPE:

I just wanted to make one point on this resolution.

CHAIRMAN GULDI:

It's the County Exec's resolution.

MR. KNAPPE:

That's correct.

CHAIRMAN GULDI:

Okay.

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MR. KENNEDY:

I'm in favor of it.

CHAIRMAN GULDI:

Oh, you are.

MR. KENNEDY:

I just wanted to bring to the committee's attention that we will be filing a corrected copy by the deadline to lower the dollar amount, the period of time has changed a little bit for some of the providers. And the department's here to address if you have any questions, we're just lowering the dollar amount.

CHAIRMAN GULDI:

From \$141,755 to what, \$1?

MR. KNAPPE:

No, to 80,827.

LEG. BISHOP:

How many people are --

LEG. CRECCA:

Six.

LEG. BISHOP:

Six people?

LEG. CRECCA:

I was talking to Mike.

LEG. BISHOP:

Oh, I was going to say, that's quite a raise if six people were getting 80,000. Do you know how many people are receiving salary enhancements?

MR. KNAPPE:

I do not but let me see if the department is aware.

LEG. BISHOP:

This is the first one.

MR. VAVOULES:

I'm Peter Vavoules from Social Services.

LEG. FIELDS:

Could you talk closer to the microphone?

MR. VAVOULES:

Okay. We don't know the exact number, I could get you the number. It's four organizations, four day-care centers that are receiving the funds.

LEG. BISHOP:

All in this bill?

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MR. VAVOULES:

Excuse me?

LEG. CRECCA:

Yes.

LEG. BISHOP:

Good.

CHAIRMAN GULDI:

We have a motion to approve and a second. All those in favor?  
Opposed?

LEG. BISHOP:

Please add me as a cosponsor.

CHAIRMAN GULDI:

1728 is approved (VOTE: 6-0-0-0).

LEG. VILORIA-FISHER:

Add me as a cosponsor.

CHAIRMAN GULDI:

Next 1730-03 - Imposing an additional one percent sales and compensating use tax for the period beginning December 1, 2003 and ending November 30, 2005, pursuant to authority of Section 1210 of

Article 29 of the tax law of the State of New York (County Executive).  
Which component of the sales tax is this?

MR. SABATINO:

This is the 1% that's due to expire on November 30th.

CHAIRMAN GULDI:

This is the 1%.

LEG. CRECCA:

Didn't we vote on this already, Counsel?

MR. SABATINO:

We voted for the Home Rule Message, Legislator Crecca, that was to give the authority and then the State Legislature adopted the enabling State legislation, now in order to implement that it requires a local resolution.

CHAIRMAN GULDI:

The timing on this is -- what's the timing critical? The timing on it is we have to adopt it and have it in time for it to be filed in Albany and fully enforced by the 31st.

MR. SABATINO:

Right, they have a 90 day rule that you have to -- unless you get a waiver to shorten the period, but in the absence of a waiver you'd to adopt it 90 days in advance to get it all filed with the State.

CHAIRMAN GULDI:

Make a motion to discharge without recommendation and get it to the

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full floor. I'll make a motion to discharge without recommendation. I need a second by?

LEG. VILORIA-FISHER:

Second.

CHAIRMAN GULDI:

Second by Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

It's getting late in the meeting.

CHAIRMAN GULDI:

I heard you but I couldn't find you. The -- on the motion, all those in favor?

LEG. BISHOP:

What's the -- we have to --

LEG. FIELDS:

Opposed.

LEG. BISHOP:

We have to pass this by --

CHAIRMAN GULDI:

What's before us right now is a motion to discharge without recommendation.

LEG. BISHOP:

I understood that.

CHAIRMAN GULDI:

As Counsel just said, it has to be fully adopted and filed 90 days before the end of the year without a waiver.

LEG. BISHOP:

Okay. So we're just getting it off our agenda, then we'll --

CHAIRMAN GULDI:

We're getting off our agenda, let it get to the full meeting where it can be taken up by the full Legislature.

LEG. BISHOP:

Thank you, Mr. Chairman.

MR. KNAPPE:

Legislator Guldi?

LEG. BISHOP:

Sounds like a good idea.

MR. KENNEDY:

This is a critical resolution to the County's finances. Tuesday's meeting we will be made available to answer any questions, however, if

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you can contact the Budget Office before then if you have specific questions.

LEG. BISHOP:

You're expectation is that it will be approved at Tuesday's meeting?

MR. KNAPPE:



We would like that.

LEG. BISHOP:

What is the implication if it's not approved until --

MR. KNAPPE:

This is about 220 some odd million dollars.

LEG. BISHOP:

No, I know that part; you're jumping the gun. The implication on the timing, not on the --

MR. KNAPPE:

As Legislative Counsel said, the 90 days is critical.

LEG. BISHOP:

So 90 days brings us to --

MR. KNAPPE:

Without having a calendar in front of me, I think it's December 1st, 2003, that it will be enacted.

MR. SABATINO:

So you have to go backwards, you have 30 days in November, 31 days in October and 29 days in September.

LEG. BISHOP:

Right, okay.

MR. KNAPPE:

The Legislature showed their support with a Home Rule Message on this, this is the companion resolution to that. As I said, though, if the Legislature has any questions, please contact either the Budget Director, Robert Bortzfield, or myself. And I know Fred's office is --

CHAIRMAN GULDI:

Don't plan on anyone not being in on Tuesday for the General Meeting, I suspect that you'll have substantial concern about this measure and work to do at that time.

MR. KNAPPE:

Quite understandable.

CHAIRMAN GULDI:

Okay? On the discharge without recommendation.

LEG. BISHOP:

I just want to -- a penny is 220 million.

CHAIRMAN GULDI:

Two hundred and forty million.

MR. KNAPPE:

It's an approximate, it's about 225 to 240 based on the rate of growth and everything that either Budget Review or the Budget Office is expecting, but it's within that --

LEG. BISHOP:

We always use 60 for a quarter, so I just want to know if we're backsliding a little. .

MR. KNAPPE:

It's right around there.

LEG. BISHOP:

It's only, you know, \$15 million.

CHAIRMAN GULDI:

It's either \$20 million one way or the other.

LEG. BISHOP:

Right.

MR. KNAPPE:

It's about a 75% difference.

CHAIRMAN GULDI:

All those in favor? Let's call the question.

LEG. VILORIA-FISHER:

Two forty.

MR. KNAPPE:

I would yield to 240.

CHAIRMAN GULDI:

All those in favor? Opposed?

LEG. FIELDS:

Opposed.

CHAIRMAN GULDI:

We have one opposed to discharge, it's discharged without recommendation (VOTE: 5-1-0-0 Opposed: Legislator Fields).

Introductory Resolutions: Other

CHAIRMAN GULDI:

Okay. 1600-03 - Authorizing certain technical corrections to Adopted Resolution No. 222-2003 (Caracciolo).

LEG. CARACCILOLO:

Motion.

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CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by Legislator Caracciolo, second by myself. All those in favor? Opposed?  
Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1601-03 - Declaring four computers and monitors as surplus equipment and conveying said equipment to the not-for-profit contract agency, Women of Substance (Postal). Question, Counsel; is this resolution -- would this resolution be --

LEG. CRECCA:

In conflict.

CHAIRMAN GULDI:

-- inconsistent with and prohibited by the resolution that we had approved earlier on the agenda if it had been adopted?

MR. SABATINO:

No because the County Charter provisions with a two-thirds vote allow not-for-profits to receive this type of equipment.

CHAIRMAN GULDI:

All right. So a motion to approve by myself.

LEG. CARACCILOLO:

Second.

CHAIRMAN GULDI:

Second by Legislator Caracciolo. All those in favor? Opposed?  
Approved (VOTE: 6-0-0-0).

1602-03 - Establishing Commission to Study Alternative form of County government (Binder). Legislator Binder's term limits resolution.

LEG. CRECCA:

Is that what it is?

LEG. CARACCILOLO:

Explanation, Counsel.

MR. SABATINO:

This bill would form a seven member commission, the representation would be one individual with ten years background in municipal law picked by the County Executive; a second County Executive choice from a civic association; a third County Executive choice would be someone with ten years government finance background; the County Legislature would pick someone with ten years background as an economist; the Legislature would pick a second slot who would be someone who has served but is not currently serving as a State local --

LEG. CARACCILOLO:

Excuse me, Counsel. I'm familiar with those RESOLVED clauses, it's the 14th RESOLVED clause that I'd like clarification.

MR. SABATINO:

Let me find the 14th.

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LEG. CARACCILOLO:

It's the comprehensive study and analysis of an alternative form of County government.

MR. SABATINO:

That's the point of the bill. The point of the bill is to --

CHAIRMAN GULDI:

Your microphone.

CHAIRMAN GULDI:

Your mike is off.

MR. SABATINO:

I'm sorry. That's the paragraph that deals with the point of the bill. The point of the bill is to have this commission come up with an evaluation of whether there's some other form of County government that could be created and what it's impact would be from an economic, management, administrative, legal, financial standpoint.

LEG. CARACCILOLO:

So, for example, this commission could look at a Board of Supervisors, a County manager form of government, etcetera, etcetera.

MR. SABATINO:

Yes.

LEG. CARACCILOLO:

Okay, there'd be no limitations on alternatives. Motion to approve.

MR. SABATINO:

Correct.

CHAIRMAN GULDI:

Motion to approve by Legislator Caracciolo. Motion to table by myself.

LEG. VILORIA-FISHER:

Second the motion.

CHAIRMAN GULDI:

Second on which motion?

LEG. VILORIA-FISHER:

To table.

CHAIRMAN GULDI:

Second on the tabling motion.

LEG. CARACCIOLO:

I knew that.

CHAIRMAN GULDI:

All those in favor? Opposed?

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LEG. CARACCIOLO:

Opposed.

LEG. CRECCA:

Opposed.

CHAIRMAN GULDI:

Tabled (VOTE: 4-2-0-0 Opposed: Legislators Caracciolo & Crecca).

1604-03 - Establishing a Review Policy for honest documentation of campaign expenditures by Suffolk County Board of Elections (Cooper).

LEG. CARACCIOLO:

Motion to approve.

CHAIRMAN GULDI:

What's this one do?

LEG. CARACCIOLO:

Anything over \$49 has to be advertised.

LEG. VILORIA-FISHER:  
Second.

LEG. BISHOP:  
Motion to table.

MR. SABATINO:  
Okay. Well, this bill basically requires the Board of Elections to look at the documents that are filed with it from the standpoint of expenditures above \$49 which is what's covered by State law and to see whether or not it raises any issues with regard to the prohibition in section 14-130 of the State law which states that monies could only be used for, you know, political campaign purposes and cannot be used for personal uses which are unrelated to either holding the office or running for the position. On a prospective basis starting with January -- expenditures made on or after January 1st, 2003, the Board of Elections would actually have to fulfill its responsibility to look and then if they see any kind of questions, act accordingly.

LEG. BISHOP:  
On the motion.

CHAIRMAN GULDI:  
On the motion, Legislator Bishop.

LEG. BISHOP:  
I think that the intent is obvious, who's going to dispute the intent. But I think under the current system, the District Attorney is best positioned to do this function, that's his Charter function after all. Perhaps the sponsor would want to just direct that the District Attorney be provided by the board routinely all copies of these filings.

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What you're doing here is you're having the board act as the investigator and I'm not sure that the board is equipped, prepared, otherwise capable of carrying out this function, and I'm certainly hesitant of doing this without having them before the committee to discuss whether they are prepared to do it. So for that reason I would table it, you know, we can take this up next time perhaps with the discussion from the board.

LEG. FIELDS:  
I'll second.

LEG. CARACCILO:  
Mr. Chairman, I'd like to be added as a cosponsor.

CHAIRMAN GULDI:

Second to the tabling by Legislator Fields. Legislator Caracciolo will be added as a cosponsor. I certainly have no objection to bringing -- asking the representatives of the Board of Elections in to address the bill. I would also suggest that, Legislator Bishop, if the response is going to consider the approach to discuss it, we ask for a representative of the District Attorney's Office as well before we legislate directing reports to him. So I will support the tabling for one cycle.

LEG. BISHOP:

It's all on -- it's all electronically filed I assume.

CHAIRMAN GULDI:

Right, it's on the Internet anyway; if he wants to look he can go look at it. Discussion on the tabling motion? All those in favor? Opposed?

LEG. CARACCILOLO:

Opposed.

CHAIRMAN GULDI:

Tabled (VOTE: 4-2-0-0 Opposed: Legislators Caracciolo & Crecca).

LEG. CRECCA:

Oh no, I'm sorry, opposed to tabling.

CHAIRMAN GULDI:

Right, tabled 4-2; you were the number two.

LEG. CRECCA:

Mr. Chairman, I just wanted to take a brief break and welcome our newest Legislator, he's sitting at the horseshoe, Mr. O'Leary.

CHAIRMAN GULDI:

You look tired. You ain't seen nothing yet. From over there it looks easy to be on this side, I want you to know that. You get to take a few hours off; have you been assigned to this committee yet?

LEGISLATOR-ELECT O'LEARY:

I don't know, I don't know my committees.

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CHAIRMAN GULDI:

Oh, okay. Well, it depends on how badly you need to be punished whether you come here.

LEG. VILORIA-FISHER:

When is your swearing in?

LEGISLATOR-ELECT O'LEARY:  
Thursday morning, 11:30, here.

CHAIRMAN GULDI:  
I'll try to make that.

LEGISLATOR-ELECT O'LEARY:  
Good.

CHAIRMAN GULDI:  
Congratulations.

LEGISLATOR-ELECT O'LEARY:  
Thank you very much.

CHAIRMAN GULDI:  
I think.

LEG. CRECCA:  
Yeah, all condolences.

CHAIRMAN GULDI:  
Both. We are up to 1607-03 - Authorizing certain technical corrections to Adopted Resolution No. 221-2003 (County Executive).

MR. SABATINO:  
You skipped 1606, I think.

CHAIRMAN GULDI:  
No, six was -- oh, wait a minute, 1604 we tabled 4-2, I made a mistake on my notes.

1606-03 - Authorizing certain technical corrections to Adopted Resolution No. 484-2003 (County Executive). Motion to approve and place on the consent calendar by myself, second by Legislator Caracciolo. Discussion? All those in favor? Opposed?  
1606 is approved on the consent calendar (VOTE: 6-0-0-0).

1607-03 - Authorizing certain technical corrections to Adopted Resolution No. 221-2003 (County Executive), a \$10,000 change in a resolution.

MR. SABATINO:  
It would be less money now instead of more; it looks like it was just a transpositional error.

CHAIRMAN GULDI:  
Same motion, same second, same vote.



Approved on the consent calendar (VOTE: 6-0-0-0).

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1610-03 - Approving payment to General Code Publishers for Administrative Code Pages (Presiding Officer Postal).

LEG. CARACCILO:  
Motion.

CHAIRMAN GULDI:  
Motion -- same motion, same second, same vote. Approved on the consent calendar (VOTE: 6-0-0-0). (VOTE: 6-0-0-0).

1641-03 - Authorizing certain technical corrections to Adopted Resolution No. 445-2003 (Alden). The technical correction is an account number change.

MR. SABATINO:  
No, actually --

CHAIRMAN GULDI:  
No, Suffolk County Perinatal Coalition.

MR. SABATINO:  
Yeah, it's actually a change of -- it's the same dollar amount of \$1,000, but it's just changing organizations in that member item account.

CHAIRMAN GULDI:  
Motion to approve and place on the consent calendar by myself.

LEG. FIELDS:  
Second.

CHAIRMAN GULDI:  
Second by Legislator Fields. All those in favor? Opposed?  
1641 is approved and on the consent calendar (VOTE: 6-0-0-0).

1650-03 - Authorizing certain technical corrections to Adopted Resolution No. 221-2003 (Alden). This is an account number change. Same motion, same second, same vote. Approved and on the consent calendar (VOTE: 6-0-0-0).

1651-03 - Authorizing use of Smith Point County Park property by Mastic Beach Ambulance Company for "Help Us Save You Program" (Foley).

LEG. FIELDS:  
Motion to approve.

LEG. CARACCIOLO:

On the motion.

CHAIRMAN GULDI:

Motion to approve by Legislator Fields, second by Legislator Vilorio-Fisher. On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

Mr. Chairman, on the motion. Since this is now contained within the 3rd Legislative District, I believe the newly elected Legislator from

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that district, Mr. O'Leary, who is present, should -- this is the authorization for Smith Point.

LEG. FIELDS:

He's not sworn in.

LEG. CARACCIOLO:

Oh, he's not sworn in?

CHAIRMAN GULDI:

A, he's not sworn in.

LEG. CARACCIOLO:

I'm sorry.

LEGISLATOR-ELECT O'LEARY:

Just as an observer.

CHAIRMAN GULDI:

And B, I think that you're mistaken as to the boundaries of the district.

LEG. CARACCIOLO:

Oh, that's right, this is Brian's district.

CHAIRMAN GULDI:

This is actually Legislator Foley's district which extends to Cupsogue Park.

LEG. CARACCIOLO:

Yeah, but the Mastic-Beach Ambulance Company is in Mr. O'Leary's district.

CHAIRMAN GULDI:

In the 3rd District, right.

LEG. CARACCILOLO:

Okay.

CHAIRMAN GULDI:

That's all right, you're in Mr. O'Leary's district now, too.

LEG. FIELDS:

Motion to approve.

CHAIRMAN GULDI:

Motion to approve and second. No further discussion. All those in favor? Opposed?

LEG. BISHOP:

Opposed.

CHAIRMAN GULDI:

1651 is approved (VOTE: 5-1-0-0 Opposed: Legislator Bishop).

1653, we already did that.

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1654-03 - Authorizing the County to enter into an intermunicipal agreement with the Village of Babylon for the installation and maintenance of a Robert Moses Statue (Bishop). Legislator Bishop?

LEG. CRECCA:

Wasn't he a State guy?

LEG. BISHOP:

Motion to approve.

CHAIRMAN GULDI:

Is this a short statue or a tall statue?

LEG. BISHOP:

A heroic statue.

LEG. VILORIA-FISHER:

I'll second that motion.

CHAIRMAN GULDI:

Motion by Legislator Bishop, second by Legislator Viloría-Fisher. All those in favor?

LEG. CRECCA:

What's the -- is there a cost on this?

MR. SABATINO:

We already funded it in 2001 in the budget.

LEG. BISHOP:

The statue has arrived and it's ready to be placed.

LEG. CRECCA:

Oh, okay.

LEG. BISHOP:

It came in under budget, actually, and over time.

LEG. CRECCA:

David, where is it going?

LEG. BISHOP:

Complete inverse of Robert Moses Project which would be on time and over budget, this was --

LEG. CRECCA:

Is this really going on your front lawn? That's what Mike said.

LEG. BISHOP:

It's going on the front lawn of Babylon Village Hall in the downtown shopping district.

CHAIRMAN GULDI:

Can we please vote on this? All those in favor? Opposed?

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LEG. CRECCA:

Mike and I would like to be invited to the unveiling.

LEG. BISHOP:

Governor Carey is our speaker.

LEG. CRECCA:

One of my favorite former Governors.

CHAIRMAN GULDI:

1654 is approved (VOTE: 6-0-0-0).

1655 -- come on, people, we're almost there, I just need to keep it together for a few more moments.

LEG. CRECCA:

Motion.

CHAIRMAN GULDI:

1655-03 - Establishing -- then we'll have a recess -- Establishing binding arbitration policy for Suffolk County Superior Officers Association (SOA) contract (Lindsay). Motion to approve by myself.

LEG. CARACCILOLO:

Second.

LEG. CRECCA:

Second.

LEG. CARACCILOLO:

Third.

LEG. FIELDS:

On the motion.

CHAIRMAN GULDI:

Legislator Crecca I think I heard first.

LEG. FIELDS:

Explanation, please.

CHAIRMAN GULDI:

Counsel.

MR. SABATINO:

This will track, as well as the next one, what was done a couple of meetings ago with regard to the PBA. Under State law, binding arbitration and the Tailor Law is actually limited to a two year period of time. In the past, the County executive and Dave Greene would simply unilaterally extend it to four years without authority. But the last time out in 2000 the Legislature did it the correct way which was to pass a resolution establishing the four years, because the parties can agree to go beyond two years. This would do the same thing for the SOA for a four year period starting January 1st of 2004 through December 31st of 2007 and it would do the same thing in 1656 for the Detectives Association.

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LEG. FIELDS:

Question. I think it's the same question I had on the last one and that is that is this not acting in -- or not acting in good faith because there will be a new County Executive come January, and is this not jumping the gun and allowing for that process to take the usual, or maybe not usual, but a different course and allow the next County Executive to negotiate?

CHAIRMAN GULDI:

If I may, I'll address that question from my perspective. This resolution does not compel the County Executive whatsoever. The County Executive would -- would merely expand the options available to the County Exec, whoever that might be, to determine whether to engage in negotiation or otherwise for two or four years. There is no mandatory language in this, it is optional.

LEG. FIELDS:

And when does this contract expire, the regular two year contract?

LEG. CRECCA:

December 31st of this year.

LEG. FIELDS:

Of this year?

CHAIRMAN GULDI:

So it is the proper time --

LEG. CRECCA:

It also is good because we're a policy making body -- if I can, Mr. Chairman -- we are a policy making body here, we do make policy and that's exactly what this bill is. This is a policy that the Legislature has seen fit to adopt in the past, we did it this year earlier with the PBA contract, I think it's only fair that we be consistent with that in adopting it to the SOA and the SDA.

CHAIRMAN GULDI:

Okay, on the motion, all those in favor? Opposed?

LEG. FIELDS:

Opposed.

CHAIRMAN GULDI:

Approved (VOTE: 5-1-0-0 Opposed: Legislator Fields).

1656-03 - Establishing binding arbitration policy for Suffolk County Detectives Association Contract (Lindsay).

LEG. CARACCILOLO:

Motion.

CHAIRMAN GULDI:

Same motion, same second, same discussion, same vote.

Approved (VOTE: 6-0-0-0).

1664-03 - Approving the appointment of Andrew Nowotny as a member of the Suffolk County Public Employment Relations Board (County Executive).

LEG. BISHOP:  
Motion.

CHAIRMAN GULDI:  
Motion by Legislator Bishop.

LEG. FIELDS:  
On the motion.

CHAIRMAN GULDI:  
Second by myself -- Legislator Caracciolo was second. On the motion.

LEG. FIELDS:  
I'll bring the same point up that I brought up at a couple of other meetings and that is, again, there is going to be a new County Executive come January. I would think that these people who are coming due for reappointment can act as holdovers as some of the representatives of the different boards and commissions have for even periods of four or six years.

LEG. BISHOP:  
Right, this is a term appointment.

LEG. FIELDS:  
This person can be held over until January and until such time that the new County Executive can make either his own appointments or make a reappointment.

CHAIRMAN GULDI:  
On the motion. This is not -- this is not a hold over, this is a new appointment.

LEG. BISHOP:  
Is it a term appointment?

CHAIRMAN GULDI:  
Term of office expiring on April 20, 2006, it is a term appointment but it is a -- am I correct, Counsel, this is a vacancy?

LEG. FIELDS:  
I'll make a motion to table subject to call.

MR. SABATINO:  
It appears to be -- well, it's not -- it appears to be an appointment to replace someone but the backup doesn't indicate who's being

replaced, so I don't know. But it is going to be a four year term of office.

LEG. BISHOP:

Is it possible, Counsel, to -- I guess you can't.

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CHAIRMAN GULDI:

Appoint for less than a full term.

LEG. BISHOP:

Right, you can't appoint for less than the full-term?

MR. SABATINO:

No, whatever the term of office is is the term that you get. So in a case like -- again, my secretary checked the records but we can't find who's being replaced so it's unclear.

CHAIRMAN GULDI:

You know what I'd like to do?

MR. SABATINO:

But the point is it is a four year term.

CHAIRMAN GULDI:

Until -- in order to resolve whether or not this seat is vacant and there is a hold over, I'd like to make a motion to table for one cycle in order to determine the answer to that.

LEG. VILORIA-FISHER:

I'll second that motion.

CHAIRMAN GULDI:

Because in the event that this -- there is no holdover in the seat, I think it's a significant problem.

LEG. BISHOP:

That's fine. Mr. Nowotny is here.

CHAIRMAN GULDI:

Oh, there.

LEG. BISHOP:

And since he's here, why don't we --

CHAIRMAN GULDI:

Yeah, since he's here, come on down, Andy, and join us.



MR. NOWOTNY:  
Sure.

CHAIRMAN GULDI:  
Maybe you even know the answer to the question. Do you know who's -- who or it -- you all right?

MR. NOWOTNY:  
Sorry.

CHAIRMAN GULDI:  
That's okay, the people have done far more embarrassing things before this committee than that.

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MR. NOWOTNY:  
I'm lucky it wasn't full.

LEG. FIELDS:  
You have to turn the microphone on and speak closely to it. And just one question; is there a resume?

CHAIRMAN GULDI:  
A resume?

MR. NOWOTNY:  
I do have one current.

CHAIRMAN GULDI:  
There's one in the back of the bill. You want to use a copy?  
Mr. Nowotny, could you -- now that you've

MR. NOWOTNY:  
Made my --

CHAIRMAN GULDI:  
Made your entrance, could you -- do you know whether or not this position that you're being nominated for is vacant?

MR. NOWOTNY:  
No, I do not.

CHAIRMAN GULDI:  
Okay. We'll let -- that's incumbent on us, that's true, to determine that and we'll do that.

MR. NOWOTNY:  
Sure.

CHAIRMAN GULDI:

I see your resume and I'm familiar with your background. I would like you to make a brief statement, if you would, to tell us why on earth you'd accept an appointment to serve on this board from this County.

MR. NOWOTNY:

Well, I've been involved in the construction industry, private industry labor management for almost 20 years working with -- in New York City as well with Local 3 and Local 25. I have a Master's in Labor Relations/Collective Bargaining at New York Tech and I've been an Adjunct Professor at SUNY Old Westbury. I often teach in Labor Relations/collective bargaining.

Back in 1994, being a management practitioner I was invited by the U.S. Department of Labor to go to Poland to at the time educate the leaders of the Solidarity Union Movement as to arbitration, collective bargaining, etcetera, for a two week period in Warsaw which was very interesting because we did some very unique things. So I do have an extensive background in arbitration and collective bargaining mediation.

LEG. FIELDS:

When does this board meet?

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MR. NOWOTNY:

First I was going to wait to be appointed and then see; I do not know. I don't know if it's quarterly, monthly, every couple of months, whatever.

LEG. FIELDS:

Well, I think you certainly have a good background. But again, the same point, you know, I don't know if we really need to make the appointment before January and if there's -- if it's crucial that someone has to be on that board or if they have met or have another meeting. So I'll agree with the tabling motion until we have more information and better information.

CHAIRMAN GULDI:

Yeah, just to explain, Mr. Nowotny, why it came up in connection with other appointments at this point. Many Legislators are taking a policy position that these long-term appointments should be held by holdovers, people appointed to them until such time as the next County Executive is elected so that the appointments weren't being made for long-term reappointments by the outgoing administration. The question that's distinct here is you're obviously not on the board at this point, but if the board has a vacancy as a result, there may be a reason to treat this differently rather than hold it for the --

through the election cycle for the next few months.

MR. NOWOTNY:

To my knowledge, it was supposed to be a three person board. Walter Kirby was brought in and approved as the Chairman and Dr. Richard Dibble was also appointed.

CHAIRMAN GULDI:

Right.

MR. NOWOTNY:

And I think I was going to be the third person for that three person board.

CHAIRMAN GULDI:

Yeah, so I think that this may well be distinct, we'll verify that. Legislator Caracciolo's got the mike and then Legislator --

LEG. CARACCILOLO:

Thank you, Mr. Chairman. Let me just comment on remarks made by the Chairman. Yesterday and I think the reference to other appointments by several of my colleagues is correct. It's interesting that I think there's some kind of a partisan twist to that approach because I didn't share with them yesterday on reappointments and appointments to the Planning Commission and I don't support it today.

I think as Legislator Crecca just said a moment ago, and he's correct, you don't stop government because there's a County Executive election taking place. We are a coequal branch of government and we should proceed with the appointments and the business of this County. So I look forward, whether it's today or next meeting or December or January, to seeing you appointed to the PERB Board. Good luck.

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MR. NOWOTNY:

Thank you very much.

LEG. CRECCA:

I don't want to reiterate but what I will say is I also oppose the tabling motion. I guess the premise is that in the event a Democratic County Executive comes in I guess they think they'll do other appointments. But I've had an opportunity to review this appointment, Mr. Nowotny's resume, I think he's well suited for the job and I think we do a disservice to this body by sitting on a nomination or appointment waiting for the political outcome of an election when we should just go ahead and do our jobs. And if you want to have the guts to either approve this on the merits or reject it on the merits.

LEG. CARACCILO:  
Here here.

LEG. BISHOP:  
On the motion.

CHAIRMAN GULDI:  
Legislator Bishop.

LEG. BISHOP:  
The position of many --

LEG. CRECCA:  
I'm sorry, go ahead.

LEG. BISHOP:  
The position of many members of the Legislature is that one of the most important prerogatives of any administration, whether it's Republican following a Republican or a Democrat following a Republican or a Republican following a Democrat is that they get to select and present to the Legislature nominations for term appointments and these term appointments last for years. An administration in its final days submitting reappointments that they've held onto for years, in many cases in the Planning Commission, these are people who have expired years ago and are just now seeking to reappoint them to long-term terms, multiple years. And it would seem to us and only logical that elections matter and when the public in Suffolk County selects a new County Executive, that County Executive will have the prerogative to put forward names and it will have an important implication to the running of County government.

Therefore, it seems only logical that we should wait until the outcome of the election and let the new administration, whether its a Romaine Administration or some other administration, select its people to serve; meanwhile, all these holdovers can continue to serve. This situation may be different, we don't have all the facts at our disposal at this time, but the PERB situation may be very different than the Planning Commission situation.

CHAIRMAN GULDI:  
Legislator Fields is next.

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LEG. FIELDS:  
Again I'll reiterate, we don't even know nor does the new appointment know when the board meets, so perhaps they don't even have another meeting between now and December 31st, and to vote blindly like that is not in our best interest. I think we can at least table this one

more time til we have better information.

CHAIRMAN GULDI:

That's what the motion before us is.

LEG. CRECCA:

If I can, Mr. Chairman?

CHAIRMAN GULDI:

Legislator Crecca, yes, you can respond.

LEG. CRECCA:

Just to respond to Legislator Bishop's comments, the fact of the matter is, Legislator Bishop, that Mr. Gaffney, whether we like it or not was elected to a four year term and during that four year term he has to carry out the duties of County Executive. And the reality is that during that four year term he should carry (inaudible). Now, whether those holdovers should have been reappointed earlier or not --

LEG. CARACCILOLO:

Yeah, yeah, yeah.

LEG. CRECCA:

It should be done before he leaves office, and that's regardless of whether it's a new Republican or a new Democratic County Executive coming in. So I disagree with you just based on that.

LEG. CARACCILOLO:

Move the motion.

CHAIRMAN GULDI:

Motion -- on the motion to table, All those in favor? Opposed?

LEG. CARACCILOLO:

Opposed.

LEG. CRECCA:

Opposed.

CHAIRMAN GULDI:

Tabled 4-2 (VOTE: 4-2-0-0 Opposed: Legislators Caracciolo & Crecca). We'll take it up at our next meeting and hopefully have answers to the questions that were relevant to the majority.

LEG. VILORIA-FISHER:

Thank you for being here, Mr. Nowotny.

CHAIRMAN GULDI:

Thanks for coming.

LEG. CARACCILOLO:

Mr. Chairman, on that very point of the vacancy or not. A phone call to the Labor Department can clear this up in a matter of minutes. So maybe you could have a member of your staff do that before we adjourn today and let's get an answer; it shouldn't be difficult.

LEG. BISHOP:

You have a lot of confidence in the Labor Department.

CHAIRMAN GULDI:

Thank you for sharing that with us, Legislator Caracciolo. The matter has been tabled, we'll take it up at the next meeting.

1714-03 - Authorizing transfer of surplus computer equipment Project LINCT County Executive). I'll make a motion to approve.

LEG. CARACCILOLO:

Second.

LEG. BISHOP:

Don't we have to auction it off now?

LEG. CRECCA:

Well, should we wait for the next County Executive to make this decision? I think we should.

MR. SABATINO:

This is a two-thirds vote, this --

LEG. VILORIA-FISHER:

Sarcasm is ugly.

LEG. CRECCA:

I know, it's fun, though.

CHAIRMAN GULDI:

Well, only when it's done well. We have a motion and second. All those in favor? Opposed? 1714 is approved (VOTE: 6-0-0-0).

1715-03 - Authorizing transfer of surplus computer equipment to the National Council on the Aging (NCOA) (County Executive).

LEG. CARACCILOLO:

Motion.

CHAIRMAN GULDI:

Same motion, same second. Discussion? Same vote.

Approved (VOTE: 6-0-0-0).

1716-03 - Authorizing transfer of surplus computer equipment to Tutor Time of East Patchogue (County Executive). Is Tutor Time a not-for-profit or is Tutor Time a for-profit enterprise?

LEG. BISHOP:

They're a not -- well, they're alleged to be a not-for-profit contract agency that works with Social Services.

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LEG. FIELDS:

They are for-profit.

LEG. BISHOP:

What do you mean they're -- they're certainly a for-profit enterprise.

LEG. FIELDS:

Yeah, they're private.

CHAIRMAN GULDI:

Yeah, they testified that they were a for-profit enterprise repeatedly.

LEG. BISHOP:

They own the stock exchange.

LEG. FIELDS:

I'm going to make a motion to table on this one.

LEG. CRECCA:

I'll second it.

CHAIRMAN GULDI:

Okay, 1716, is the motion.

LEG. CRECCA:

Can we ask the County Executive staff to -- do you have information on that, sir?

MR. BOURREN:

Yes. Daniel Bourren with the Labor Department.

CHAIRMAN GULDI:

Yeah.

LEG. CARACCILO:

Could you tell us if there's a vacancy? Only kidding.

LEG. VILORIA-FISHER:

No, that's a different division.

MR. BOURREN:

Regarding Tutor Time, the information that I have is that they're a DBA and the organization that they belong to -- in other words, the parent organization -- is Economic Opportunity Council that's operating as Tutor Time of East Patchogue.

CHAIRMAN GULDI:

Oh, all right, so this is -- this is not the Tutor Time public company.

MR. BOURREN:

Right.

CHAIRMAN GULDI:

This is a DBA of the Patchogue Economic --

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LEG. BISHOP:

I don't understand.

LEG. CRECCA:

I don't either.

MR. BOURREN:

Well, Economic Opportunity Council filed a DBA -- which is a nonprofit organization, filed a DBA and is operating as Tutor Time of East Patchogue, and these are the people that we want to give the surplus to.

LEG. BISHOP:

I could operate as McDonald's? I mean, I don't understand that.

LEG. VILORIA-FISHER:

Are you saying they're providing a service to children at Tutor Time of East Patchogue?

MR. BOURREN:

Right, yes.

LEG. VILORIA-FISHER:

Okay.

MR. BOURREN:

As a nonprofit agency.



LEG. VILORIA-FISHER:

As a not-for-profit agency working at Tutor Time of East Patchogue.

MR. BOURREN:

Yes.

LEG. VILORIA-FISHER:

Yes, okay.

LEG. CRECCA:

If I may?

CHAIRMAN GULDI:

Yeah, but in that case the recipient of the computer should not be the Tutor Time, the resolution should --

LEG. VILORIA-FISHER:

It should be the EEOC.

LEG. BISHOP:

Right.

CHAIRMAN GULDI:

It should be EEOC.

LEG. CRECCA:

Also, Tutor Time of East Patchogue is still -- to use the Tutor Time name you have to pay a franchise fee, a very considerable one. So

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that there must be -- I could only assume that this not-for-profit agency is paying the franchise to use the Tutor Time name so there's some question here as to --

LEG. FIELDS:

Motion to table.

CHAIRMAN GULDI:

Yeah, we need to resolve the corporate status to see if this qualifies. If this is not a donation of surplus equipment to a 501(C)3 recognized entity, then it is not eligible for us; that needs to be clarified and embedded in the resolution.

LEG. CRECCA:

Mr. Chairman?

CHAIRMAN GULDI:

Motion to table and a second.

LEG. CRECCA:

On that; I'm sorry, just on that. In addition, it's not just --

CHAIRMAN GULDI:

You want to belabor it further?

LEG. CRECCA:

Yes. Don't just check the corporate status, too, it could be a not-for-profit that's operating a day-care facility. I'd like a little more information, even if it is a 501(C), as to the type of business and what these computers are being used for.

CHAIRMAN GULDI:

Fine, okay.

LEG. CRECCA:

Because you could be a not-for-profit, Tutor Time could be running a day care facility and still be a not-for-profit, and I'm not so sure that's necessarily an appropriate place to give free computers to.

CHAIRMAN GULDI:

I'm not sure it's not, but we'll get the information.

LEG. CRECCA:

Right, so I just want the information.

CHAIRMAN GULDI:

We can get the information. We have a motion to table and a second for more information. All those in favor? Opposed? 1717 -- 1716 is tabled (VOTE: 6-0-0-0).

1718-03 - Authorizing use of Gardiner County Park by American Diabetes Association for their fund-raising event (County Executive).

LEG. CARACCILO:

Motion.

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CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by Legislator Caracciolo, second by myself. All those in favor? Opposed? Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1720-03 - Authorizing certain technical corrections to Adopted Resolution No. 188-2003 (Haley). This is an account number change -- no, research foundation that SUNY Stony Brook is being substituted for Sunrise Fund. Motion to approve and place on the consent calendar by

myself.

LEG. CRECCA:

Do we have a sponsor on the bill?

CHAIRMAN GULDI:

It was filed by a sponsor when he was a member of the Legislature.

LEG. CRECCA:

Oh, okay.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by myself.

Do I have a second?

LEG. CRECCA:

Second.

CHAIRMAN GULDI:

Second by Legislator Crecca. All those in favor? Opposed?

Approved and placed on the consent calendar (VOTE: 6-0-0-0).

1722-03 --

LEG. CRECCA:

Motion.

CHAIRMAN GULDI:

Motion by Legislator Crecca to extend access to non-cubicle licensees at the County Clerk's Office (for title examination purposes (Presiding Officer Postal); it sounds like something from Sponge Bob.

LEG. CRECCA:

I appreciate the comment. It says on the agenda that it's sponsored by the Presiding Officer, but I believe I'm the sponsor on the bill.

CHAIRMAN GULDI:

Yeah, it so seems that the agenda doesn't reflect the sponsors accurately. There is a motion to approve, I'll second the motion and add me as a cosponsor to Legislator Crecca's sponsorship. All those in favor? Opposed? 1722 is approved (VOTE: 6-0-0-0).

1729 -- oh, Legislator Crecca, for the record, someone gave me a note that the Presiding Officer wanted us to approve her bill on 1722.

LEG. CRECCA:

Oh, that's fine.

CHAIRMAN GULDI:

1729-03 - Adopting Local Law 2003, a Local Law to repeal living wage policy for the County of Suffolk (County Executive).

MR. SABATINO:

Public hearing.

LEG. FIELDS:

Motion to table.

CHAIRMAN GULDI:

Motion to table for a public hearing by Legislator Fields, second by myself. All those in favor? Approved? Tabled (VOTE: 6-0-0-0).

1731-03 - Authorizing a certain technical correction to Resolution No. 188-2003 (Lindsay).

MR. SABATINO:

Same thousand dollars, it just changes the organization.

CHAIRMAN GULDI:

All right, organizational change. Motion to approve and place on the consent calendar by myself.

LEG. CRECCA:

Second.

CHAIRMAN GULDI:

Second by Legislator Crecca. All those in favor? Opposed? Approved and placed on the consent calendar (VOTE: 6-0-0-0).

#### Tabled Sense Resolutions

Sense 34-2003 - Memorializing Resolution requesting the State of New York to authorize a public health and human services safety transfer tax for Suffolk County (Presiding Officer Postal). The Presiding Officer has asked that we table it. Motion to table by myself, second by Legislator Caracciolo. All those in favor? Opposed? Tabled (VOTE: 6-0-0-0).

Sense 47-2003 - Memorializing Resolution requesting the State of New York to continue to deny drivers licenses to illegal immigrants (Binder & Haley).

LEG. CRECCA:

Motion to discharge without recommendation, let it go to the floor.

LEG. VILORIA-FISHER:

Motion to table.

CHAIRMAN GULDI:  
Motion to table.

LEG. FIELDS:  
I'll second the motion, motion to table.

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CHAIRMAN GULDI:  
I'll make a motion to table subject to call.

LEG. CARACCILOLO:  
On the motion.

CHAIRMAN GULDI:  
Do we have a second on the tabling subject to call?

LEG. VILORIA-FISHER:  
I'll second it.

CHAIRMAN GULDI:  
All those in favor? Opposed?

LEG. CARACCILOLO:  
Opposed.

LEG. CRECCA:  
Opposed.

CHAIRMAN GULDI:  
Tabled subject to call 4-2 (VOTE: 4-2-0-0 Opposed: Legislators  
Caracciolo & Crecca).

Fred, could you tell us everything we need to know to cure all of the  
County's budget problems for the next decade, or whatever else it is  
that Legislator Caracciolo wants to know?

MR. POLLERT:  
Just with respect to a budget update, probably the County Executive's  
Budget Office is in better shape because, you know, at this point in  
time they're in the process of actually putting together a draft  
Operating Budget on 2004.

The Budget Review Office recently issued a memo to all Legislators  
indicating that sales tax for the first half of this year was up  
rather significantly from the first half of last year. There was an  
increase of about \$25 million. The problems that we see with respect  
to the Operating Budget is we just received on I believe it was on  
Thursday or Friday the budget request on Employee medical health

benefits; to say the least, the cost increases that they are requesting are staggering. We had budgeted \$162 million this year which we felt was adequate to cover the Employee Medical Health Program, they are forecasting that they will exceed that budget amount and they are requesting a \$194 million for next year. So that's about a \$38 million increase over what we have included in the budget this year.

In addition to that, I sent a memo to the Budget Review Office Steering Committee indicating that the independent auditors are accruing back expenses to the year in which they occurred. As you remember last year, there was a Certificate of Necessity because we ran out of appropriations, and some of the 2002 bills were paid out of the 2003 budget. We have now prevailed upon the independent auditors to charge the appropriate year for the expense and not just to

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continually roll out the expenses; that could increase costs by approximately \$14 million. So just for employee medical health benefits, it looks like we could have a \$50 million increase based upon their budget request and the accruals just for that program.

LEG. CARACCILOLO:

Fred, before you go on, staying with that point. Does your office -- at what point does your office take a very close look at that projection to validate it and is that something you do as a matter of course or is that something that's a special project

MR. POLLERT:

No, actually we do that as a matter of course. We monitor on a monthly basis what the enrollment is and what the expenses are, however, the request caught us a little bit off guard. Number one, it's only a two page type of a request. It had none of the supporting documentations. So the cover memo said that the request was based upon a report of Mercer and Marsh, we don't have a copy of it. So I called up Paul Greenberg, we're going to be getting that type of data but we're going to be looking at it in detail because those numbers fundamentally change a whole group of things, including how much more expensive we are than the Empire plan.

LEG. CARACCILOLO:

The reason why I bring that issue up is this didn't come out of thin air, these cost overruns or escalated costs. They are obviously taking place on a regular basis. And who fell asleep at the -- at the wheel rather and didn't report this to us? I mean, why is this a surprise?

MR. POLLERT:

Well, we had done a memo to the Budget Review Office Steering Committee which I'll be happy to share with you. I believe it was about two weeks ago, which forecast that we would have a shortfall of about \$27 million, and that was our best guesstimate. We were totally taken aback when we got this one page budget request, which also took us back, because there's no supporting documentation saying --

LEG. CARACCIOLO:

I'm not trying to accuse your department of being lax or, you know, not being aware of the problem. Who has the responsibility to monitor the cost of the Employee Medical Health Plan?

MR. POLLERT:

The administration and the planners in the Department of Civil Service.

LEG. CARACCIOLO:

And who within the administration?

MR. POLLERT:

I don't know. And I don't know who approved the budget request, if it's the joint chairs and the Employee Labor Management Group that approved it, if it's the Department of Civil Service that approved it frankly that has always been a gray area. So I have a phone call that

I made to Jeff Tempera on Monday morning also with respect to what was the process, how did this come about and at this point in time --

LEG. CARACCIOLO:

What are the possible --

LEG. FIELDS:

Mike, would you yield for a moment?

LEG. CARACCIOLO:

In a moment because I have to leave for a Faculty Association meeting, so this is very timely. Given the scope now of what you've identified as a budgetary hole, how do you anticipate the Executive should address that in the presentation of the Operating Budget?

MR. POLLERT:

That's an excellent question. Our recommendation would be is that we're projecting appropriation shortfalls in Employee Medical Health Insurance, we're also projecting shortfalls in the Sheriff's Department and Medicaid. We had made the recommendation to Budget Review Office Steering Committee that the County really needs to address it this year, we need to consider issuing a budget note or

actually to authorize a budget note and then to direct the Comptroller not to actually borrow the money because we've got enough money in sales tax to be able to cover it, but we can't appropriate those revenues. The only legal mechanism to do it is to do a budget note. So at this point in time, we're trying to gather information on how much we're going to be short on appropriations, but it looks like it's going to be rather substantial, especially driven by these new numbers on Employee Medical Health Benefits.

LEG. CARACCIOLO:

And if that bears out, where in the presentation of the Operating Budget would that manifest itself?

MR. POLLERT:

It should happen as soon as possible, it should happen before the Operating Budget comes out. So as soon as the County Executive knows what the numbers are, it doesn't need to be a companion resolution with the Operating Budget, it should really be discussed as soon as possible so the Legislature can understand where we are in Fiscal 2003.

LEG. CARACCIOLO:

And finally, when you add up the two numbers, the good news on the sales tax revenues and the bad news on the EMHP, what's the bottom line?

MR. POLLERT:

The bottom line is we believe that barring anything else that's unforeseen, that the General Fund should be able to come in with a small tax increase.

LEG. CARACCIOLO:

Below 4% cap?

MR. POLLERT:

Yes.

LEG. CARACCIOLO:

Thank you.

MR. POLLERT:

And the -- there will, however, depending upon how sales tax is distributed, there will be problems in the Police Department in part because of the chargeback on Employee Medical Health. Ken Weiss probably has better --

LEG. CARACCIOLO:



Ken Weiss?

MR. POLLERT:

Ken Knappe probably has a better --

LEG. CARACCILOLO:

Ken Knappe right now probably wishes he were Ken Weiss.

MR. POLLERT:

Yes. -- probably has a better handle than we do at this point in time.

ACTING CHAIRMAN CARACCILOLO:

All right. Thank you very much. Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Fred, could you just backtrack a minute? Because you did say that there is a change in the accounting practices, so that those -- the expenditures have to be paid within the same fiscal year so that that resulted in \$14 million being added to the budget; now, is that part of that \$50 million increase?

MR. POLLERT:

Yes, it would be.

LEG. VILORIA-FISHER:

So then the actual increase is not \$50 million but \$36 million?

MR. POLLERT:

Somewhere between 36 to \$38 million, that's correct.

LEG. VILORIA-FISHER:

Okay, I wanted Mike to hear that because he said why, you know, was no one aware that this was coming, but you had anticipated you said, I think, a \$27 million increase. So the differential --

MR. POLLERT:

The 27 also included the 14.

LEG. VILORIA-FISHER:

Oh, it did; okay.

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MR. POLLERT:

We were looking for the programmatic cost to be increasing by about 13 million --

LEG. VILORIA-FISHER:

Thirteen million, okay.

MR. POLLERT:

-- and not the 30.

LEG. VILORIA-FISHER:

Okay, that's what I wanted to know, whether the 26 reflected that 14 million or whether -- you know, where that 14 million came in in your calculations. Thank you, Fred.

I think somebody adjourned -- did he adjourn the meeting?

MS. BRAATEN:

No.

ACTING CHAIRPERSON VILORIA-FISHER:

Okay, I call the meeting adjourned. Thank you.

(\*The meeting was adjourned at 12:01 p.m.\*)

Legislator George Guldi, Chairman  
Ways & Means, Real Estate Transactions  
& Finance Committee

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